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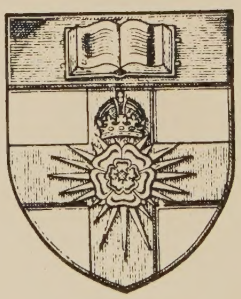

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ROYAL HISTORICAL SOCIETY

PRESIDENTIAL ADDRESS

Delivered 14 February 1942

By Professor F. M. Stenton, M.A., D.Litt., Litt.D., F.B.A.

The Historical Bearing of Place-Name Studies: The Place of Women in Anglo-Saxon Society

One of the interesting features of Anglo-Saxon history is the number of women who impressed themselves on the consciousness of their time. They appear in all periods from the legendary foreworld to the eve of the Norman Conquest, and they occur in the religious as well as the temporal sphere. The illustrious Hild of Whitby, who made her house a nursery of bishops, stands for many of her sex and order, whose right to rule communities of men and women was never challenged by the native leaders of the English church. Among women of the world, if the Old English Chronicle can be trusted—and its authority in this section is good—Seaxburg, the widow of Coenwalh king of Wessex, reigned after him for a year, late in the seventh century. Cynethryth the wife of Offa, who passed into history as the great example of a tyrannous queen, was of such consequence in her own day that coins were struck in her name. In the tenth century, Æthelflæd the Lady of the Mercians, at the head of a military household, planned and carried out a series of momentous campaigns. Ælfgifu of Northampton, the first wife of Cnut, after ruling Norway with a severity which made 'Ælfgifu's time' an evil memory in the North, brought the leading men of England to accept her son Harold as their king. A generation later, the lady who was known in at least seven counties as Eddeve 'the fair', Eddeve 'the rich' or Eddeve 'the rich and fair', commanded a following of free landowners which would have done credit to an earl. There is no doubt that Old English society allowed to women, not only private influence, but also the widest liberty of intervention in public affairs.

The prominence of these and other women in the life of

the state is in curious contrast with the vagueness which overhangs the position of women in Old English law. On many important points the Anglo-Saxon codes give no information of any kind. On others, the information which they give is confused, touched with homiletic, or over-concise. The obscurity is perhaps at its densest around the fundamental question of the conditions under which women could acquire and enjoy the possession of land. There is no doubt as to the bare fact that women could inherit land before the Norman Conquest. But on the circumstances under which an inheritance would fall to them, there is little to be gathered from the primary authorities for Old English legal history. They give no clear direction even in regard to the basic problems which centre round the daughter's right to a share in her father's land. It is significant that on the most urgent of these problems, Liebermann, after editing the *Gesetze*, attempted no more than the statement that ' on the evidence of the Old English laws, the exclusion of the sister by the brother in the inheritance of landed property can neither be proved nor disproved '.[1]

For further light on questions like these, it is necessary to pass beyond the enactments of Old English kings to materials of narrower range—to the wills, the private charters, and the royal diplomas of the Anglo-Saxon period. They have little to tell about the inheritance of unprivileged land—the land of the free peasant and the lesser thegn. But they give valuable information about the descent of estates held as ' bookland ' under the terms of a royal charter. One of the liberties normally attached to land thus held was the power of bequeathing or otherwise regulating the descent of the property. The power was often used to keep the estate in the male line of its recipient. There was a strong preference for the male line in the West Saxon royal house itself. In his own will, king Alfred remarks that his grandfather, king Egbert, had bequeathed his land ' to the spear-side, not to the spindle-side '.[2] But with regard to certain lands which had been acquired by the royal family since Egbert's death, Alfred observes that he is free to bequeath them to men or women as he wishes, and the history of many estates in the next two centuries shows that there was no general custom adverse to the inheritance of bookland by women. Even before king Alfred's time, cases of such inheritance are on record. The most interesting of king Egbert's few surviving charters was

[1] *Die Gesetze der Angelsachsen*, II, 2, p. 390.
[2] F. E. Harmer, *English historical documents*, p. 19.

made in favour of three sisters, who had inherited an estate of this kind from their father, but had lost their *anteriora scripsiuncula*.[1]

Documents from the century before the Conquest, and especially the wills and narrative charters which are characteristic of this age, show large numbers of women possessed of land by virtue of grant, bequest or inheritance. They also show that these women were able to dispose of their landed property with a freedom which was not permitted to their successors of the feudal age. A woman could alienate her 'morning-gift', or dower, though it would be well for such a transaction to be confirmed by the king. In Alfred's time, a woman says explicitly that she is free to sell a particular estate 'because it had been her morning-gift'.[2] In the eleventh century, it was possible for a woman to disinherit her son, ostentatiously, in favour of a female relative. Few characters outside the main stream of Old English history stand out more clearly than the lady who received a deputation from the local shire-court with the outburst 'Here sits Leofflæd, my kinswoman, to whom after my death I grant my land and my gold, my robes and my raiment, and all that I have. Behave like thegns, and give my message to the good men in the court, and tell them to whom I have given my land and my property—and to my son, nothing.'[3] That women had the power of bequeathing land is proved by many wills of this age, which show that their freedom of bequest was not restricted to their kin, but extended to their servants, to ecclesiastical persons, and to churches.[4] The fact that the king is often asked to confirm these bequests merely proves that he was interested in any important change in the distribution of land among his subjects. The number of men who make the same request shows that it was not the sign of any special limitation imposed on the woman testator.

The royal charters of the pre-Conquest age, formal as they are, contain many passages which illustrate the position of the woman landowner. A considerable number of them are grants to women. Some of these women seem to have been under vows of religion, but many of them, to all appearance, were living in the world. Other charters show incidentally that the properties with which they are concerned had been owned by women at some time in the past. Among the earliest of them

[1] Birch, *Cartularium Saxonicum*, 410.
[2] *English historical documents*, p. 31.
[3] A. J. Robertson, *Anglo-Saxon charters*, p. 152.
[4] Ten out of the 39 documents printed in Miss D. Whitelock's *Anglo-Saxon wills* were made by women.

is a charter of Edward the Elder relating to Water Eaton near Oxford, which sketches the history of the estate during the previous thirty years.[1] It states that Burgred and Æthelswith, the king and queen of Mercia, had granted the village to Alhhun bishop of Worcester ; that Alhhun's successor, bishop Werferth, had exchanged it for other land with Ceolwulf II king of Mercia ; that king Ceolwulf had granted it to a woman named Hungyth ; and that Hungyth had sold it to a certain Wigferth in the presence of the Mercian *witan*. The whole tenor of the passage is against the idea that there was any religious purpose behind Ceolwulf's grant to Hungyth, and the way in which the story is told suggests that those who recorded it saw nothing remarkable in her acquisition of the estate, or, for that matter, in her alienation of it by sale.

It is clear from Domesday Book that there were many women among the English landowners of the Confessor's reign. Several of them have left their names to the estates which they possessed. The hamlets of Goodcott and Lovacott in Devon obviously derive their names from the women called Godgifu and Lufu who were their pre-Conquest owners.[2] Afflington in Dorset seems to be named after Ælfrun, the holder of one of the manors into which the place was divided in 1066.[3] The case of Tolpuddle in the same county is more interesting.[4] In Domesday Book, the village is described among the possessions of Abbotsbury Abbey under the name *Pidele*—the name of the stream by which the place is situated. The first syllable of the modern name, which was added in order to distinguish the manor from other places near the same stream, represents the name of Tola, the wife of Urk, a house-carle of king Cnut, who with her husband, or more probably after his death, gave Tolpuddle to the abbey. The addition had the curious result that a Scandinavian woman's name, which is extremely rare even in Danish England, became permanently associated with a manor in the heart of southern Wessex.[5]

The place-names which contain the names of women form a useful supplement to the documentary evidence for the pre-

[1] *Cart. Sax.*, 607.
[2] *The place-names of Devon* (English Place-Name Society), pp. 355, 108.
[3] A. Fägersten, *The place-names of Dorset*, p. 117.
[4] *Ibid.*, p. 179.
[5] The name does not seem to be recorded in Swedish or in the West Scandinavian dialects, but was common in Old Danish (O. Nielsen, *Olddanske Personnavne*, p. 100). Two examples have been noticed in the English Danelaw,

Conquest woman landowner.[1] Few of them can be closely dated; but, as a group, it is probable that they belong to the later rather than the earlier centuries of Anglo-Saxon history. Wulfrun, for example, the great Staffordshire lady whose *hēah tūn*, or chief manor, has become Wolverhampton, lived in the second half of the tenth century.[2] It is suggestive that no names of this type occur in the writings of Bede, or in the oldest sections of the Anglo-Saxon Chronicle. The first for which there is ancient authority seems to be Bamburgh in Northumberland, which appears in king Alfred's translation of the *Historia Ecclesiastica* in the form *Bebbanburg*, and according to the dubious testimony of Nennius was derived from Bebbe, wife of Æthelfrith king of the Bernicians.[3] Names of this kind are rare in the earliest charters. Bognor in Sussex, 'Bucge's bank or shore', occurs in a charter which is dated 680, but was probably written in the tenth century.[4] Fladbury in Worcestershire, 'Flǣde's *burh*', was the subject of a grant by Æthelred king of Mercia, shortly after 690.[5] The next undoubted case of a village-name thus formed seems to be the unidentified *Cyneburgingctun* which is mentioned in a west-midland charter of 840.[6] It is not until the tenth century is well advanced that such formations begin to appear in appreciable numbers.

More than seventy of these names appear in Domesday Book. The number would have been much larger if the Domesday enumeration of hamlets and villages had been more

[1] It should be emphasised at this point that any list of these names which can be compiled at the present time is bound to be seriously incomplete. In dealing with the short forms of personal names which occur in countless place-names, it is always difficult, and generally impossible, to distinguish between the names of men and women. It is reasonable to assume that Bibury in Gloucestershire takes its name from a woman called Beage because in the eighth century the place, which until then had no fixed name, was granted to a local nobleman *et filiæ suæ quæ vocatur Beage* (*Cart. Sax.*, 166). Without this information, few scholars would have hesitated to derive the name from the masculine form *Bæga*. The evidence which place-names supply for the existence of the woman landowner comes almost entirely from compound names which are proved to be feminine by the nature or arrangement of their elements.

[2] Her name does not seem to have become permanently attached to the site until a century after her time. The first example of the compound Wolverhampton occurs in a late writ of William I. In Domesday Book, the place appears as 'Hantone' and 'Handone'.

[3] *Historia Brittonum*, ed. Mommsen, p. 206. According to a northern tradition preserved in the late manuscript 'E' of the *Chronicle* the fortress was walled by the Bernician king Ida at about the middle of the sixth century.

[4] *Cart. Sax.*, 50. Bucge is a short form of a feminine name beginning or ending in the element *Burg*.

[5] *Cart. Sax.*, 76. On this name see below, pp. 8–9.

[6] *Cart. Sax.*, 430, Hist. MSS. Comm., *Report on the manuscripts of Lord Middleton*, p. 208.

nearly complete. Elson in Gosport, for example, is not mentioned in Domesday Book, but its name, which means 'Ethelswith's *tūn*', occurs in a tenth-century charter.[1] There are many names of this type which are not recorded before the twelfth or thirteenth century, but are clearly of Old English origin. Under the social conditions which prevailed in the Norman age, few Englishwomen were in a position to leave their names to manors or villages. Names such as Aylton in Herefordshire—'Æthelgifu's *tūn*', Edburton in Sussex—'Ēadburg's *tūn*', Chellington in Bedfordshire—'Cēolwynn's *tūn*', or Harvington in Chaddesley Corbet, Worcestershire—'Herewynn's *tūn*', though ignored by Domesday Book, can safely be referred to the Old English time. It is easier to imagine conditions in which the names of Englishwomen could appear at a later date in place-names of a topographical kind, such as Goodwood in Sussex—'Godgifu's wood', Whaberley in Worcestershire—'Hwætburg's clearing', Adney in Shropshire—'Ēadwynn's island', or Wilberfoss in Yorkshire—'Wilburg's ditch'. But the number of cases in which such names are known to have arisen after the Conquest is so small that these names also are best taken as Old English survivals.

In any case, for historical purposes, they are much less interesting than the names which combine a woman's name with a word denoting a place of settlement—*hām*, *burh*, *tūn*, *wīc*, or *worth*, and in Danish England, *by* or *thorp*. There are cases in which it is hard to decide the nature of the settlement described by such a name. It is only a comparison with other names of the same kind, and a review of local circumstances which make it probable that *wīc* in the Hertfordshire *Æthelflæde wic* meant a dairy-farm,[2] and that the original *Cynehilde worth*, which has become Kenilworth, was a farmstead in Arden.[3] But in regard to the more important of these terms of settlement, the meaning is plainer. There is direct evidence that *tūn*, the commonest of all, which at first meant no more than 'enclosure', had acquired the sense of 'village' before the end of the seventh century.[4] In innumerable place-names, this word is preceded by the name of a man or woman in the

[1] *Cart. Sax.*, 865, where the name appears in the compound *Æthelswithetuninga lea.*

[2] *The place-names of Hertfordshire* (E.P-N.S.), p. 181. The site is now represented by Beauchamps in Layston.

[3] There seems to have been a doublet of Kenilworth in the *Cynilde worth* which occurs as a boundary-point near Whittington in Worcestershire.

[4] A law of Hlothhere prescribes that a man who wishes to clear himself from the charge of stealing a slave must produce a number of free witnesses, of whom one must come from the *tun* to which he himself belongs. Liebermann, *Gesetze*, I, pp. 9, 10.

genitive case.[1] Few examples occur in the earliest authorities, but by the eleventh century the type had arisen everywhere. In Derbyshire alone, more than thirty of these names are mentioned in Domesday Book. Historically, they are important because they show that in the Old English period it was not unusual for an individual to hold a position of such prominence within a village that his or her name became attached to it. The nature of this position is a difficult question. It may well have varied in different cases between the ownership of the village with all its lands and informal precedence among a group of peasant proprietors. Whatever its character, it must have been permanent, and recognised, not only within the village itself, but also by the men of the surrounding country.

Among the names of this type recorded in Domesday Book, more than thirty contain the names of women. There are isolated examples in most parts of England. In Nottinghamshire, Darlton, Kinoulton, and Kneeton contain the feminine names Dēorlufu, Cynehild, and Cēngifu, of which the last appears again in Kniveton, Derbyshire, and Knayton, Yorkshire. In Suffolk, Dennington, Alpheaton, and Wiston contain Denegifu, Ælfhild, and Wīgswīth. In Sussex, Binderton, Warbleton, and Walberton contain Beornthryth, Wærburg, and Wealdburg. Wærburg appears again in Warburton, Cheshire. In Berkshire, Elton in Welford is derived from Æthelflæd; Eddington near Hungerford, from Ēadgifu. Wollaton in Devon is derived from Wulfgifu; Offerton in Worcestershire, from Ealhflæd; Wollerton in Shropshire, from Wulfwynn; Willington in Cheshire, from Wynnflæd; Wilburton in Cambridgeshire, from Wilburg; Abberton in Essex, from Ēadburg. The only county in which there is anything resembling a concentration of these names is Kent, where the feminine names Ælfgyth, Bilswīth, Hringwynn, Sægifu, Sigeflæd, Cēolwaru, Æthelwaru, and Gārwynn have given rise to the place-names Elvington, Bilsington, Ringleton, Sevington, Siffleton, Chilverton, Elverton, and Garrington.[2] But even without the Kentish examples there are enough names of this kind to suggest that in Old English times it was not uncommon for a woman to be the lady of a *tūn*.

[1] e.g., *Eadnothes tun*, *Deorlafestun*, and *Beadurices tun*, now represented by Ednaston in Derbyshire, Darlaston in Staffordshire, and Barcheston in Warwickshire.

[2] The history of these Kentish names was first worked out by J. K. Wallenberg in *The place-names of Kent* (1934). Chilverton and Elverton are not, apparently, recorded before the thirteenth century, but there does not seem to be any reason for separating them from the other names of this group.

Although *tūn* is among the most widely-distributed of place-name elements, it is not prominent in the local nomenclature of the earliest times. So far as can be seen, in the age of the settlement, and for many generations thereafter, the word generally used for an important place of habitation was not *tūn* but *hām*. On the other hand, it is doubtful whether *hām* was much employed in the formation of new place-names after, at latest, the end of the eighth century, and it is therefore of some interest that the word occasionally appears in combination with a woman's name. Among the cases as to which there is no serious doubt, Babraham and Wilbraham in Cambridgeshire contain the feminine names Beaduburg and Wilburg; Asheldham in Essex contains Æschild; Hardham in Sussex, Heregyth; Worldham in Hampshire, Wærhild; Alpraham in Cheshire, Ealhburg; Abram in Lancashire, Ēadburg; Hubberholme in Yorkshire, Hūnburg. In view of the rarity of late place-names formed from *hām*, these examples can reasonably be accepted as an addition to the evidence for the ownership of land by women in the pre-Alfredian age.

It is more remarkable that in at least ten place-names, apart from the archaic Bamburgh, a woman's name is compounded with the element *burh*. Harbury in Warwickshire means the *burh* of a woman named Ḥereburg. Bibury and Tetbury in Gloucestershire contain the feminine names Bēage and Tette. Heytesbury and Alderbury in Wiltshire are derived from Heahthrȳth and Æthelwaru. Adderbury in Oxfordshire, Fladbury in Worcestershire, Bucklebury in Berkshire, Queniborough in Leicestershire, and Alberbury in Shropshire, were named from women called Ēadburg, Flæde, Burghild, Cwēne, and Alhburg. The original meaning of *burh* was fortress, or place of defence. Apart from the specialised usage which survives in the modern 'borough', the word was applied to ancient forts of stone or earthwork, and to houses surrounded by defences which could be held against an enemy. It is often difficult to determine the sense which it bears in a particular place-name, and it is unlikely that it had the same meaning in all the names which have been quoted. The most interesting feature of this group of names is that in one of them, and probably in others, *burh* meant neither a fort nor a defensible house, but a monastery. In a charter of the late seventh century which comes from Malmesbury but is probably genuine, the estate afterwards known as *Tettan byrig*, and now, as Tetbury, is described as 15 *cassati*, or hides, *prope Tettan monasterium*.[1]

[1] *Cart. Sax.*, 58.

There is other evidence that *burh* and *monasterium* could be used interchangeably. Westbury on Trym in Gloucestershire appears as *Uuestburg* in an original charter of Offa, and as *Westmynster* in a document of 804 preserved in Heming's Worcester cartulary.[1] The usage presumably refers to the enclosure which surrounded the monastic buildings, and it provides the most natural explanation of several other names, such as Malmesbury, in which the word *burh* was used to denote the site of a religious house.[2] It probably accounts for the appearance of the word in the name of Fladbury, which is described as a *monasterium* in a charter of the early eighth century.[3] In composition with a woman's name, *burh* is more likely to have meant 'monastery' than 'fortress', and it may well be a mere accident that Fladbury and Tetbury are the only names in this series which can definitely be connected with an early religious foundation.[4]

In every county, Domesday Book records many place-names which originally denoted topographical features such as trees, springs, woods, or clearings. Some of these names contain the names of women. Buckden in Huntingdonshire, 'Bucge's valley', and the lost *Hatheburgfelda* in Suffolk, 'Heathuburg's open ground', are examples. Eythorne in Kent, 'Hēahgyth's thorn-tree', though not mentioned in Domesday Book, had become a village-name as early as the ninth century.[5] The Old English *lēah*, 'clearing', is perhaps the commonest of all the elements which occur in these names, and it is frequently compounded with the name of a woman. Among the names of this kind which are certainly of pre-Conquest origin, Alveley in Shropshire and Aveley in Essex contain the feminine name Ælfgyth; Avely in Suffolk contains Ælfwynn; Balterley in Staffordshire, Bealdthrȳth; Audley

[1] *Cart. Sax.*, 274, 313.

[2] Congresbury in Somerset, in which the first element is a saint's name, is probably another example.

[3] In an endorsement by bishop Ecgwine of Worcester to a charter of Æthelred of Mercia granting Fladbury to the seventh-century bishop Oftfor. *Cart. Sax.*, 76.

[4] There are several place-names in which the word *mynster* is compounded with a personal name, but the only case in which the name is that of a woman seems to be the *Bebingmynster* of *Cart. Sax.*, 535. The first element in this name is clearly the Old English Bebbe. The site has been identified with Beaminster in Dorset, but the medieval forms of the latter name do not agree very well with this suggestion. In Alvechurch, Worcestershire (*Ælfgythe cyrcan. Cart. Sax.*, 1320), and Peakirk, Northamptonshire (*æt Pegecyrcan.* Kemble, *Codex Diplomaticus*, 726), a woman's name is associated with the Old English *cyrice*, 'church'. Nothing is known about the Ælfgyth of Alvechurch, but there is no reason to doubt that the Pege of Peakirk was the well-recorded sister of St. Guthlac of Crowland.

[5] *Cart. Sax.*, 318.

in Staffordshire, Ealdgyth ; Kimberley in Norfolk, Cyneburg ; Wilderley in Shropshire, Wilthrȳth ; Anslow in Staffordshire, Ēanswīth. Without overstressing these names, it can at least be said that they illustrate the part which women had played in the reclamation of woodland for tillage during the later centuries of the Old English period.[1]

The best recorded names of this type come from the boundary clauses of Old English charters. They have not yet been studied exhaustively from this point of view, but a casual search is enough to show the number and variety of the elements which were compounded with the names of women. It is doubtful whether there was any common feature of the countryside which somewhere or other was not associated with a woman's name. Feminine names occur in connexion with *mere*, 'pool', *wiella*, 'spring', *flēot*, *burna*, and *gelād*, 'stream' or 'watercourse', *mutha*, 'creek', *dīc*, 'ditch', *trēow*, 'tree', *stocc*, 'stump', *stān*, 'stone', *bricg*, 'bridge', *weg*, 'way', *stīg*, 'path', *bece* and *denu*, 'valley', *beorg*, 'hill' or 'mound', *hyrst*, 'wooded hill', *grāf*, 'brushwood', *worthig*, generally 'homestead', *hamm*, generally 'water-meadow', and *ford*.[2] Most names of this kind come from regions of long established cultivation, but *Wynburge spær* [3] was the name of a Sussex swine-pasture, *Edswythe torr* [4] was a hill near Meavy beneath Dartmoor, and *Eanburge mere* [5] was near Wootton Underwood in the original Bernwood Forest. Names formed in this way had arisen by the tenth century in all the parts

[1] The name Anslow, which does not occur in Domesday Book, appears in the form *Eansythelege* in the boundaries of Wetmoor, Staffordshire, in a fourteenth century copy of a charter of Æthelred II (Staffordshire Historical Collections, William Salt Society, 1916, p. 124).

[2] As no systematic collection of these names seems to have been made, it may be useful to give a selection of them here. (In the references, CD stands for Kemble, *Codex Diplomaticus*, and CS, for Birch, *Cartularium Saxonicum*.) *Eanburge mere* near Wootton Underwood, Bucks., CS 452; *Cynewynne wylla* near Ardley, Oxon., CD 1289; *Hunburge fleot* in South Hams, Devon, CS 451; *Beadgithe burna* near Bilston, Staffordshire, Monasticon Anglicanum VIII 1444; *Eanflæde gelad* near Hinksey, Berks, CS 1002; *Eanflæde mutha* near Reculver, Kent, CS 880; *Sigwynne dic* near Fovant, Wilts., CD 687; *Beornwunne treow* near Creedy, Devon, CS 1331; *Winburge stoc* near Eynsham, Oxon., CD 714; *Byrngythe stan* near Wolverhampton, Staffordshire, CD 650; *Wulfgythe bricg*, near Mickleton, Gloucestershire, CD 714; *Æthelburge weg* near Bath, CS 1257; *Æthelflæde stig* near Phepson, Worc., CS 937; *Ceoldrythe bece* near Oldbarrow, Worc., CS 124; *Beornwynne denu* near Pershore, Worc., CS 1282; *Mægnhilde beorh* near Taynton, Oxon.; Bouquet, Recueil des historiens de la Gaule . . . xi, p. 655; *Cyneburgæ hyrst* near Droxford, Hants., CS 742; *Denegithe graf* near 'Newton', Northants., CS 712; *Heatheburhe weorthyg* near Pershore, Worc., CS 1282; *Wihtlufe hamm* near Lyford, Berks., CD 746; *Sithrithe ford* near Weston on Trent, Derbyshire, Charter in William Salt Library, Stafford.

[3] CS 834. [4] CD 744. [5] CS 452.

of England from which charters have survived.[1] Examples of an earlier date are rare, because charters themselves are comparatively rare, and charters containing detailed boundaries are very rare indeed. But the names which have been preserved suggest that the part which women had taken in the occupation of new lands for settlement had been by no means inconsiderable.

In many charters, the boundary of an estate is drawn for part of its course along the border of an adjacent property, which is identified by its owner's name. The line is said to pass *andlang Wynsies mearce*, or *andlang Wistanes gemere*. Among the landowners whose names are thus recorded, at least ten were women. They are scattered over Berkshire, Hampshire, Wiltshire, Kent, Essex, Oxfordshire, and Warwickshire.[2] The only one of them of whom anything is otherwise known is Eadgifu, the boundary of whose land is mentioned in a charter relating to Leverton in Berkshire.[3] The neighbouring village of Edington near Hungerford takes its name from a woman called Eadgifu, and there is no reason to doubt that she was identical with the woman of this name who appears in the Leverton charter. There is nothing to suggest that she was a more important person than the other women of this group, and there seems no particular significance in the fact that she alone has given name to a village.

The names which have so far been quoted are all of English origin. Most of them belong to Wessex or English Mercia. For the position of women in Danish England there is less evidence. Few collections of early charters have survived from the Danelaw, and for the northern part of this region there is little documentary material earlier than Domesday

[1] To the examples recorded in charters, there may be added a number of ancient hundred-names which are formed from the names of women. A complete list is given by O. S. Anderson, *The English hundred-names* (1939), iii, 206. Among the most interesting are *Auronhelle* in Sussex—'Ælfrun's hill', *Celfledetorn* in Gloucestershire—'Ceolflæd's thorn', *Winburge treow* in Worcestershire—'Wynnburg's tree', Redbornstoke in Bedfordshire—'Rædburg's place', and Underditch in Wiltshire—'Wynnthryth's dyke'.

[2] Phrases referring to the boundary of a woman's land occur in *Cart. Sax.*, 753, *Ælfgythe mearc on eastan . . . oþ Eadgife mearce* ('Oswalding tun', Kent); *Cart. Sax.*, 984, on *Ælflæde mearce* (Padworth, Berkshire); *Cart. Sax.*, 1077, *be Byrhtswyþe mearce* (Kilmiston, Hampshire); *Cart. Sax.*, 1101, *andlang Ælfwenne mearce* (Vange, Essex); *Cod. Dip.*, 636, *to Ælfflæde gemære* (Clyffe Pypard, Wiltshire); *Cod. Dip.*, 641, *on Wilburge imare* (Tisbury, Wiltshire); *Cod. Dip.*, 724, *on Ælflæde gemæro* (Bishopton, Warwickshire); *Cod. Dip.* 792, *andlang stremes oð Eadgife gemære* (Leverton, Berkshire); *Cod. Dip.*, 1307, *on Leofrune gemære* (Whitchurch, Oxfordshire); *Ordnance Survey facsimiles, ii, Winchester College 4, to Leofwinne mearce* (Drayton, North Hampshire).

[3] *Cod. Dip.*, 792.

Book.[1] Nevertheless, the clearest description of an independent woman landowner which has come down from early England relates to this part of the country. In the statement of disputed claims to land at the end of the Yorkshire Domesday,[2] it is asserted that the whole land of a woman named Asa ought to belong to Robert Malet, 'because she had her land separate and free from the lordship and power of Bernulf her husband, even when they lived together, so that he could make neither gift nor sale of it, nor could he forfeit it. Moreover after their separation, she withdrew with all her land, and possessed it as lady.' The passage agrees remarkably with the general tenor of Norse literature about the position of women in the north, and it carries the authority of a public court—of a wapentake, if not of a riding. It is perhaps more important to note that the statement is not introduced into Domesday Book as the record of a legal anomaly. There would have been no reference to the rights of Asa over her land if it had not been for the practical complications raised by her departure from her husband.

In view of this passage, it is natural to expect that here and there among the early place-names of the North, there should be traces of the ownership of land by women who, like Asa, bore names of Scandinavian origin. The place-names which are in point are few, but their evidence, so far as it goes, is conclusive. South of the Humber, the only clear examples are Gunthorpe in Nottinghamshire and Raventhorpe in Lincolnshire, which contain the feminine names Gunnhildr and Ragnhildr. But in Yorkshire, at least eight of these names are well recorded. The feminine names Ingirithr and Gunnhildr occur in Ingerthorpe in the West Riding and Gunby in the East Riding. Raventhorpe in the East Riding is a doublet of Raventhorpe in Lincolnshire. Helperthorpe in the East Riding and Helperby in the North Riding each contains the rare feminine name Hjalpr, and in each case this name appears in the correct genitive form *Hjalpar*. The same Scandinavian genitive occurs in early spellings of Burythorpe in the East Riding and Thorlby in the West Riding, which are derived from the feminine names Bjǫrg and Thorhildr. Hinderskelfe in the North Riding means the ledge or shelf of land belonging to a woman called Hildr, and in this name also the true genitive

[1] It may be noted that in regard to Scandinavian, as to English names, it is often hard to distinguish between masculine and feminine forms. There is nothing, for example, in *Touetun*, the Domesday spelling of Towton in Yorkshire, to show whether the first element is the masculine *Tófi* or the feminine *Tófa*. Ambiguities like this are frequent.

[2] Domesday Book, I, fo. 373.

in *-ar* has been preserved. Apart from Ingerthorpe, which is not mentioned before the late twelfth century, each of these names is recorded in Domesday Book, and one of them is known to have arisen within a hundred years of the Danish settlement in Yorkshire. Helperby is mentioned in a list of properties acquired for the see of York by archbishop Osketel, who died in 971.[1]

When all is told, the place-names into which the names of women enter form a minute proportion of the place-names of all England. It would be easy to exaggerate their significance. Nevertheless, there are enough of them to carry a few modest generalisations. They show that before the Norman Conquest it was not unusual for women, like men, to leave their names to villages, hamlets, and parcels of land brought into cultivation from brushwood or forest. They imply that a considerable number of women possessed estates which can properly, if untechnically, be described as manors. Regarded as a whole, they give the impression that women were associated with men on terms of rough equality in the common life of the countryside. They suggest, in fact, that the independence which women had enjoyed in the Migration Age was never completely lost during the centuries of Old English history.

[1] A. J. Robertson, *Anglo-Saxon charters*, p. 112.

MANUSCRIPTS AND THE WAR

By C. T. Flower, C.B., M.A., F.S.A., F.R.Hist.S., Deputy-Keeper of the Public Records

Read 11 April 1942

This afternoon you will be listening, not to conjectures or explanations with reference to events which took place in the remote past, but to a report of proceedings of the last two or three years.

It is a report for which this society has every right to ask. Pre-historians, whose wings are not pinioned and clogged with factual matter, can freely soar in the empyrean of fancy ; but they are not present to-day in large numbers. Other writers of history have to rely on written or printed records for their material, which they have to respect ; they can criticise their authorities but they cannot ignore them. The Fellows of this society whose interests are medieval have little to do with printed records for their ultimate authority. They may not themselves have seen the documents on which their theories are based ; even the writer of the book which is their authority may not have done so ; but ultimately there must, or should be, some one, even though he is only a mere official in a government office, who has seen and handled the parchments or papers themselves. Even the historian of the nineteenth century has continually to drive his axe beyond printed material. It is therefore proper that I should, so far as I can safely do so, give you some account of the dangers to which records have been exposed during the years of stress and distress in which we are living and of the steps that have been taken to lessen those dangers ; nothing that can be done will remove them entirely.

In a paper such as this much is due to those who have furnished the facts on which it is based. So far as the Public Record Office is concerned I am specially indebted to Hilary Jenkinson, the secretary, and to P. V. Davies and J. H. Collingridge, who have administered the affairs of the committee of Inspecting Officers, which has had the dual and difficult function of assisting and controlling the activities of a movement generally known as the Salvage Drive, so far as public records are its quarry. The two bodies who have been chiefly concerned with the safety of records that are outside the jurisdiction of the Master of the Rolls are the Historical Manuscripts Commission and

the British Records Association, and in particular the Records Preservation Section of that Association. R. L. Atkinson, the Commission's secretary, has a dossier so complete and so well arranged that it has been a pleasure to extract the facts from it. Miss Stokes, whose energy has never flagged and whose wisdom has never been dimmed, has told me in detail about the activities of the Preservation Section. I have been closely enough in touch with all these bodies to say that throughout we have been rowing against a heavy stream with many disturbing currents and that very little could have been accomplished without the inspiration and authority of the Master of the Rolls.

This report falls into natural divisions. There are two main classes of documents, those over which the Master of the Rolls has statutory authority and those over which he has no such powers. They are exposed to two dangers, the obvious peril from the air and the risk of valuable material being swept over the rapids in a laudable but indiscriminate drive for salvage. Under each of these heads you may ask what has been done to avert these dangers and what losses have up to the present been suffered ; and you are entitled, within the limits of public security, to receive an answer. Incidentally you will learn that out of evil some good has ensued, since the first steps towards a census of manuscripts have now been taken.

The danger to the public records which are either in the custody or the charge and superintendence of the Master of the Rolls was realised as early as January 1934, when two country houses in Bedfordshire were provisionally allocated for their reception ; but when they were inspected the accommodation was found to be small ; and they were reluctantly discarded. In 1936 Hilary Jenkinson, who was then officer in charge of the repository, wrote a memorandum as to the extent to which reliance should be placed on the two remedies, which between them include almost every possible help in trouble, evacuation and the prophylactic which, though I dislike initial nomenclature, I cannot avoid calling A.R.P.

Evacuation has been the heavier burden and shall have pride of place. In addition to the two houses in Bedfordshire, the possibilities of storage in tube railway tunnels and of the use of a special train which might be filled with records and kept in some remote siding were considered but proved impracticable. Tube tunnels give a maximum of safety from hostile attack ; but on inspection they proved to be so wet that, while they were ideal for the storage of museum exhibits which were not affected by damp, it was certain that if the war lasted

more than a few months, paper or parchment consigned to them would suffer grave and permanent damage. I still think highly of the suggestion of a railway train in a remote siding, which could move elsewhere if the first choice proved unfortunate, a suggestion which I owe to my colleague D. B. Wardle ; but the department whose co-operation was essential was unable to give the requisite help.

No definite decision was made until the Munich crisis in September 1938, when the Record Office obtained the use of one wing of a disused prison in the west of England and a casual ward which had been recently built in the midlands. The latter was small ; but its division into many cubicles of the same size and its strong construction made it very suitable for the purpose. Arrangements had been made for loaded lorries to leave the next day and all hands were at work dismantling the museum when news came through that the crisis was over. In March 1939 these two buildings were earmarked for the Record Office ; and again arrangements were made for packing and evacuation on the Good Friday when Mussolini copied his master. In July and October 1939, a member of the House of Lords called on me and freely offered two of his seats in succession for the reception of records. His offer was gratefully received ; and as he was a Fellow of the Society of Antiquaries and a working archivist, he was made an unpaid Assistant Keeper. His sudden death in the following April was a very great loss.

Under D. L. Evans, who took charge of evacuation, the task of filling these four buildings went on continuously until the end of the year, and intermittently during 1940. During the Battle of Britain it became obvious that Canterbury, where for a long time departmental records of recent years, which for that reason were not open to public inspection, had been kept in a disused gaol, was particularly exposed to bombing and was very likely to be overrun in the event of an invasion ; and about 150 tons of documents were removed thence in June and October to one of the war-time repositories. This ended the first stage of evacuation ; and only a few corners here and there in the existing accommodation in the provinces remained to be filled. At the present time, however, much additional space is to be released at one of the two private houses and will shortly be filled.

Road transport was used throughout. One, two or (sometimes) three lorries were filled in the early morning day by day and sent on their journey with a member of the staff by the driver's side so that there should be no risk of records

passing out of official custody. With the exception of a small minority, which were already so packed that they ought not to suffer any damage on the road, all the documents were placed in cardboard containers with steel banding.

It was at first thought that evacuation could only take place on a small scale, owing to congestion of the roads and general disturbance. To meet this contingency the more important records were arranged in categories, which ultimately increased in number to eight, as the earlier categories were successfully filled and successfully evacuated. At first every possible reason for exclusion was reluctantly welcomed. Well-known medieval series were barred because they had been printed or calendared in full, because the information they contained could be found elsewhere or because the individual pieces were unusually heavy or bulky. Even the obvious test of popularity with searchers was not applied without exception; only the earliest Chancery Proceedings were included, since their interest is, as a rule, personal rather than historical. All these categories were exhausted before the second stage of evacuation was reached.

After a prolonged search, in the course of which many possible repositories were considered, including a score in Northamptonshire and about half a dozen in the Welsh Marches, and a few of the more promising were inspected and reluctantly discarded as unsuitable, two additional places were found in the first half of 1941. One was a country house just far enough from London to be reasonably safe, which was personally offered by a public-spirited member of the House of Lords to the secretary of the Record Office and gratefully accepted; the other was a large training college some fifty miles from London, which was earmarked for the Record Office by the Ministry of Works and secured after a Homeric struggle with other departments, in which the tide of battle ebbed and flowed. Both these repositories are now almost full; and a large house in the west of England is under consideration as an additional repository.

After space had been reserved for all the remaining records at Canterbury except some fifty tons of documents of secondary importance, it was found possible to adopt a different principle of selection for the documents still at Chancery Lane.

At the beginning of the war it would have been a bold venture to say categorically that the top storeys of a building were less exposed to danger than the lower; but experience has shown that this is actually the case, since the fall of bombs dropped from a very great height approaches the vertical. It

was therefore decided to clear the top floor, which incidentally held many more records than the others, by evacuating all its contents which were of very great importance and by moving the remainder to the ground floor and the basement. This has been done ; and the same process is being repeated on the next floor. For the guidance of fire-fighters many empty rooms now have on their doors in red on a white ground the prophetic letter V, which in point of fact stands for Vacant.

I should like here to say that it is arguable that a strong building with a good fire-fighting service in a vulnerable area is exposed to risks which differ from, but do not necessarily exceed, those attached to country houses where the fire-fighting facilities are not close at hand, since, as is well known, many bombs have been dropped without any imaginable billet, and a few small incendiaries, if unsubdued, can lead to great conflagrations. Evacuation is therefore not to be taken in hand inadvisedly ; for example, one country house, otherwise admirable, was rejected because the nearest fire brigade was several miles distant.

Adequate staff had to be found for these new repositories ; assistant keepers and clerks had been lent to other departments ; many of the men had been called to the colours ; some were from the beginning obviously unfit for fire-fighting ; and others, fortunately very few, became unfit after the war started. It follows that one of the chief difficulties in applying the second remedy against air raids, A.R.P. to wit, was the lack of personnel. The provision of men for this service at Chancery Lane was indeed easy at the beginning of the war ; but it became progressively difficult ; and there are now only a score of men, as a maximum, available each night for the defence of a building of four floors, which spreads 150 yards from east to west and half that distance from north to south. In quiet times the men on duty are given such comfort, food and recreation as is possible ; but on nights of stress, those of them to whom Latin is a familiar tongue might well say *Haec olim meminisse juvabit.*

Both before and after the outbreak of war training went on continuously. An Assistant Keeper, E. W. Safford, who had enlisted in the last war when he was under age and had served throughout without serious casualty, attended two courses for special instruction ; and he has been responsible for the innumerable details in the general policy of the office, a task, often thankless, which he has carried out with cheerfulness and efficiency. Two courses of instruction in first aid were given within the office by medical men ; and practices

are still being held to prevent the men, of whom seventeen gained certificates, forgetting what they had learned. A corps d'élite selected after a rigorous health test received special instruction in Decontamination; and its members may be so selfish as to regret that they had had no opportunity of practising their arts on their colleagues. A working knowledge of telephony has been imparted to nearly all the staff; and there are a select few who should be able to make running repairs. Obviously from the point of view of the safety of the records fire-fighting is vitally important; here again there are specialists, and here again every member of the A.R.P. staff can use a stirrup pump and can take his place in a trailer-pump team. If prevention is better than cure, patrolling is equally essential; and a detailed knowledge of the highways and byways on the roof, inside the building and in the surrounding area should now be common property.

These services involved many structural changes and a generous stream of supplies for which the Ministry of Works was mainly responsible; even when negotiations were tiresome and protracted, the goodwill and assistance of that department, the Post Office, the Home Office and the London Fire Brigade were never open to doubt.

The Ministry of Works gave bomb-proof protection (fortunately not yet put to the test) in the basement, which included a control room, a first-aid room, a decontamination centre, a dormitory and a refuge room. It put fire doors on each floor to separate the east block, which was regarded as the most vulnerable, from the rest of the building, opened up the various sections of the space between the roof and the ceiling of the top floor, so that ready access could be had to bombs which happened to pierce the roof but made no further way, and supplied fire-fighting material and equipment. The Post Office provided a house telephone with ten points in use and an up-to-date and extensive fire alarm. Since the war began the London fire service have been increasingly helpful, both in training the personnel and in providing tanks, of which three are of circular shape with a diameter of 32 feet and three smaller ones are oblong. The former were not impervious to the effects of frost; and during the cold spell firemen came every few hours during the night to break up the ice. If their contents ever found their way to the basement, I cannot help feeling that flood might mutilate what bombs had spared, even though on a mere arithmetical calculation it has been shown that this could not happen.

So much for the precautions. Most of them have proved

their value during the air raid period, and especially in the last five months of 1940, when 418 alerts were sounded, lasting for 1,169 hours. Bombs first fell near the office on September 7. The Temple and most of Fetter Lane is now an area of devastation ; and premises adjacent to the office on all sides have at various times been in flames.

There were several occasions on which the office itself had its incidents. From 9 September onwards the watchers on the roof saw destruction on all sides and had, from time to time, to avoid showers of débris and shrapnel. In the early hours of 19 September a heavy high explosive bomb and the south-east turret caused mutual disintegration ; part of the roof and a number of windows were shattered ; and the empty museum and the clock over the entrance, which nevertheless continued its proper function, were hit by fragments. A few days later, while half a dozen fires were burning within 200 yards of the office, four incendiaries fell on the roof and two on the north terrace ; but all were either extinguished or burnt themselves out without doing worse damage than some broken slates. Since then only casual incendiaries have fallen within the premises ; twice floods of flames rolled up to the very walls of the building and illumined it. Even though they once numbered 23, the incendiaries were put out without difficulty ; and the flames did not even scorch our stones. On several nights it was possible to read a newspaper in the glare of neighbouring fires.

The damage done to the records has been trivial—less, in fact, than has in the past been done by a burst water pipe, mildew or energetic rodents. One or two Chancery Proceedings were injured, but not destroyed, by fragments of shell on 19 September some fifty yards from the point of impact and explosion. On one of the journeys to the west some packages became very wet because in the course of a heavy shower of rain the fastening at the back of a lorry became loose ; they were returned to headquarters next day and, after receiving expert treatment, appeared to be little the worse for their wetting. And that, so far as is known, is all.

In addition to the records transferred to the Public Record Office the Master of the Rolls has a certain responsibility for every scrap of paper that finds its way to the registry of a government department. Some of the permanent registries were hit ; the War Office suffered severely, as one of their supplementary buildings in London, in which many of the records of the last war were kept, was destroyed ; the Treasury is also known to have lost some of its modern records through

a direct hit ; and the loss of Customs records in ports which have been attacked may prove to be serious.

In these cases the documents were in their normal and permanent repositories. There have, however, been so many moves of departments, and even more removals of their records, that in July 1941 it was decided to send a circular to all government offices inviting information as to the places in which their archives were to be found.

The results were surprising. More than 400 repositories were named, of which about 150 were in London and its suburbs ; but only a few of the others were in areas of great danger. In connexion with the large number of documents still in London two points must be remembered. In the first place an office or a branch cannot do its work without its modern records close to hand ; and, secondly, it would be impossible and probably undesirable even for future historians to preserve more than a small proportion of the multifarious letters, accounting documents, memoranda and ephemeral chits of every description that are now arising in their millions, day by day, throughout the Civil Service.

Enquiries were then made in the cases where immediate danger seemed great. There was, for instance, a warehouse in the city and a large wooden building by the river not many miles from London. The replies to these enquiries have acknowledged the gravity of the problem. Action has been promised in many cases and in some was promptly taken.

The other danger to records, the urge for salvage, is more insidious and difficult to combat, since it wears the garb of righteousness and may command the sympathy even of a researcher.

So far as the public records are concerned, nothing can legally be destroyed in a great majority of departments without the consent of the Master of the Rolls, who functions in this respect through a Committee of Inspecting Officers, of which a brief account is necessary in order to show its intimate connexion with the present drive for paper.

The Act of 1838, by which the Record Office was constituted, had one and only one object, to provide a central control and repository for the public records, which were then dispersed under numerous controls and in numerous repositories of varying efficiency. It was later realised, when the pressure of space began to be felt, that the office was clogged and cumbered with countless documents which were never used and never likely to be used. They were there, and under the existing law they were there for ever. This led to the passing

of a second Public Record Office Act in 1877, which empowered the Master of the Rolls to make Rules for the disposal, by destruction or otherwise, of documents whose public value did not justify their preservation in the Record Office. These Rules, after getting certain specified consents, become operative when they have lain before parliament and been approved by the king in council. Before this power of disposal is exercised a schedule of documents has to be prepared; and it also is laid before parliament. The methods of disposal are destruction, transfer to the government of any part of his Majesty's dominions or presentation to a library within the same bounds.

The preparation of these Rules and Schedules is in the hands of a committee of five inspecting officers, one of whom has to be a barrister of not less than seven years' standing. Three of the present committee are barristers, four are Fellows of the Society of Antiquaries, and three belong to this Society.

A department that wishes to dispose of valueless documents, drafts a schedule which should be full enough to enable members of Parliament to judge of its expediency; but I can recall no parliamentary enquiry except by a peer who was intrigued by the title 'Board of Green Cloth'. A provision is generally inserted that all documents scheduled for destruction shall first be examined by a competent officer of the department, who will withdraw any that contain matter of value as a precedent or that may be of historical, legal or (in appropriate cases) scientific importance. A brief prefatory note usually gives the history and functions of the department; and in the case of short-lived war-time experiments these notes have historical importance.

The Committee then inspects the various types of document included in the schedule. They are not particularly concerned with the period for which these documents are to be kept. That is normally the affair of the department; but they keep a careful watch and scrutiny to prevent the inclusion of records which have ceased to be of use or interest to the department but may have historical value. It is, for instance, not always easy to convince a public official that the records of pioneer schemes, which at the time had a brief life, might some day be of great interest. A case in point is a series of financial statements about the many mushroom schemes of railway and other developments, which were prolific in the middle of the nineteenth century; they appeared in a schedule drafted a few months ago when the cry for paper was strong, but the Inspecting Officers removed them. On the other hand, their long experience enables them to enlarge the scope of

a schedule by suggesting a less restrictive wording, so as to give a department power to destroy documents which are to all intents and purposes on the same footing as those named in the original draft. In order that it may be possible in the future to reconstruct the working of a department, it is customary to select a few specimens of each scheduled class for transfer to the Record Office.

The life of the Committee of Inspecting Officers has fallen into distinct periods. From 1881 to 1891 the active members were Joseph Redington and Owen Pike, the latter well known as an editor of Year Books. They devoted most of their official time to this work and produced forty-five schedules, many of them of considerable length. The great majority dealt in a most erudite way with the records of the Courts of Law; but they also prepared pioneer schedules for the larger departments.

The pace slowed down on Redington's retirement at the end of 1891. It is true that between 1892 and 1918, 118 schedules were laid before parliament; but many of them were supplementary and most of them dealt with documents outside the Record Office.

In 1918 a period of renewed activity began, when attention was called to a proposed circular by the Director-General of National Salvage, who had his own point of view. In its first form it was entirely opposed to the principles on which the Inspecting Officers worked; and there were many letters and interviews before it was sufficiently modified to meet the views of Hubert Hall and Charles Johnson, on whom the mantles and energies of Redington and Pike had descended.

It was, however, obvious that something must be done to meet the needs of the time. Then, as now, there was a crying demand for paper. Then, as now, new ministries sprang up rapidly; and the older departments found their activities enlarged beyond the imagination of the pre-war mind. The unit, for instance, by which the War Office counted records received from France at the end of the war was the ton. Between January 1919 and April 1924, the date of the fifth schedule dealing with emergency departments of the Board of Trade, fifty-seven schedules were laid before Parliament. In fact, when I took over from Hall in July 1919, there were so many schedules in various stages that I was completely at sea until I had a table typed measuring about two feet by a foot and a half to show their progress.

The last two periods have recurred. From 1924 to August 1938 was a time of relative tranquillity. Only 69 schedules

were laid before Parliament. Many of them dealt with small collections, such as those of royal commissions, though one of them, a comprehensive schedule for the law courts, was probably the largest in the whole series.

Since the outbreak of war the work has gradually increased, until it has now for many months been heavier than ever before. The Committee used to be profanely called the Destruction Committee ; but it has now to regulate, assist, control and check the Salvage Drive. This movement is obviously miscalled ; and it would not be a misnomer to say that at the present time the Inspecting Officers are the Salvation Officers. During the first few months of the war in this, as in other respects, there was only a gentle quickening of the pace ; but in July 1940 the Master of the Rolls decided that something must be done to hasten matters. A circular letter was sent to 45 offices, inviting them to make new schedules with the periods of retention temporarily reduced. By the end of the year 10 schedules had been laid before Parliament, and 11 others were under consideration.

In January 1941 the Paper Shortage Committee, which had been set up with the object of saving paper in government offices, began an active campaign, working in close touch with the Inspecting Officers. Its pressure on departments stimulated their response to the Master of the Rolls' appeal. Some twenty more schedules are now operative ; and many others are in draft. It was, however, soon found that the statutory procedure involved time, trouble and delay ; and a Defence of the Realm Regulation, approved by order in council in October, was made under which periods of retention could be reduced by simple agreement without any of the formalities which are attached to schedules under the Master of the Rolls' Rules. As this did not add a single document to those which would in any case ultimately have been destroyed, the Master of the Rolls welcomed this reduction of the labours of his Committee. This Regulation has now been used by twenty-five departments.

Records in the custody of local authorities have occasionally to be included among documents in the charge and superintendence of the Master of the Rolls ; and it has not always been easy to decide whether they should be so included. After consultation with the departments and other bodies concerned, schedules have been made for the Clerks of the Peace and for Coroners ; and the disposal of documents arising at quarter sessions is under discussion.

New departments, some of which had their prototypes in

the earlier war, have come into existence and signed the Master of the Rolls' Rules. They include the Ministries of Aircraft Production, Economic Warfare, Food, Information, Shipping, Supply and War Transport; and three of them have made schedules.

The Committee has, on one occasion at least, worked wholly for the preservation of records, and has secured a home in the libraries of the London and Middlesex County Councils for the archives of the Middlesex Deeds Registry, which found themselves homeless after a series of war-time misadventures.

The Inspecting Officers have throughout tried to maintain their peace-time standard. They have searched more carefully for classes that departments might overlook; they have tried to give comprehensive descriptions so as to include analogous classes that might in the future come into existence; and in border-line cases, which in normal times could almost be decided by the spin of a coin, they have been mindful of the national need; but they have never knowingly sacrificed records which might be of real use to the future historian. At the same time it is believed that the cellars of Whitehall and of many other repositories up and down the land have made and are making a rich contribution to the salvage movement.

So much for the public records. Records in private ownership in some respects present greater difficulties and have been exposed to graver risks, though they have this protection, that they are scattered in countless small collections and so have avoided destruction by holocaust; and many of these small collections are in isolated places which would not be the object of deliberate attack. Municipal and other corporate bodies often lack even these benefits.

The protection of muniments which are not public records has been in the hands of the Historical Manuscripts Commission and the British Records Association; and since the collections on which the Commission has reported are only a fraction of the archive wealth of the country, the work of the Association has been the heavier. In the earlier war, once known as the Great War, this body was not in existence; and it was left to the Record Office to do what it could to save rate books and other documents of local administration from the well-meant efforts of salvage drivers at the Local Government Board. It had neither the leisure to do anything more, nor, since the Record Office Acts were concerned solely with national records, had it any real authority to intervene. Historians may congratulate themselves that the Association

is in a flourishing condition and has spread its tentacles into every county ; and they should remember the names of Lord Hanworth, its energetic founder, Lord Greene, who has always put himself at its beck and call, my colleague Hilary Jenkinson, who has been its daemonic secretary since its foundation, and Miss Stokes, the honorary secretary of the Records' Preservation Section, who, by day and often by night, has never wearied in well-doing.

There have been two lines of approach to the solution of the problems connected with manuscripts other than public records. One may be called the method of census, and the other has been public appeal. The former is directed mainly to getting information as to the situation and fate of archives and then giving any help possible in the removal of those that were exposed to the greatest danger and in the repair of those that had already suffered injury. The chief objects of the latter are to arouse public interest in the dangers threatened by raids and to preserve from salvage documents which have historical value.

The Historical Manuscripts Commission has twice circularised the owners or reputed owners of the collections on which it has issued reports. In 1940, a letter was sent to custodians of municipal collections in localities which at that time seemed specially vulnerable, in which it was suggested that their manuscripts should be transferred elsewhere ; and an effort was made to find as many places as possible in safer situations for their reception. The result was rather meagre.

Early in 1941 the Ministry of Home Security was able to give practical help ; and it instructed Regional Commissioners to give information of damage to manuscripts in their respective areas. For this purpose a list was needed on which the Commissioners could work. The first list was confined to collections on which the Historical Manuscripts Commission had reported ; but this was limited in scope, and often no information was available as to the present location or ownership of collections ; sometimes nothing had been heard of them since their inspection more than half a century ago.

Accordingly, it was decided at the annual meeting of the Commission in July 1941 that circular letters should be sent to private owners, reminding them of the need for protection and asking for information as to the present location of their papers. These letters were sent, not only to owners of reported collections, but to owners of all inspected collections, of those known to have been used by publishing societies, and of others nominated by the General Register House, the National

Library of Wales and other bodies. Collections in Eire were excluded unless the presumed owner had a domicile in the United Kingdom. In some cases not even a potential owner could be traced.

These circular letters numbered 360 and have elicited more than 270 replies. The present location of 221 collections has been reported. Two have been destroyed and fourteen sold; eighteen have left no trace behind them; and in ten cases enquiries are still pending. From other sources than replies to the circular letters it has been learnt that three more collections have been destroyed and eighteen more sold. Sixty-nine are now in the custody of libraries and other repositories in this country, which include the British Museum, the General Register House, the National Library of Wales, the Record Office, the Bodleian and four other university libraries, five County Council Repositories, the Chetham, Rylands and six public libraries, the National Maritime Museum, the Chapter Library at York, a municipal museum, the Yorkshire Archæological Society, and the Northamptonshire Record Society. Nine collections have crossed the seas to America.

Five collections have been destroyed, but only one as the result of enemy action. This was owned by Lord Mount Edgcumbe in the sorely tried district of Plymouth. Mr. Horwood gave an account of it in the appendix to the second Report of the Commission, which is quite adequate so far as the documents he selected were concerned; but he confessed that his inspection was cursory, and there is no evidence as to the bulk or value of the manuscripts that did not catch his eye.

It is reasonable to hope that the hall-mark of the Historical Manuscripts Commission has protected the collections of which I have just been speaking from the onslaught of the salvagers; and no information has been received that they have suffered in this way.

The British Records Association, on the other hand, has catholic functions. It has been painfully aware that it had to repel the onslaught of friends as well as foes; and, as they were the more likely to be open to argument, it was to the former that the Association made most of its public appeals. In June 1939 the Records Preservation Section was considering the possible means of preventing a repetition of the indiscriminate destruction of historical material which took place in the years 1916–18. The outcome was an announcement on the subject by the British Broadcasting Corporation on 20 September 1939, followed by a letter of the Master of the

Rolls, printed in *The Times* on the following day, in which the important point was made that the preservation of historical documents would involve no appreciable reduction in the amount of paper available for trade purposes. This letter was reprinted in legal and local government periodicals. He made a direct appeal to librarians two months later, which was printed in the *Library Association Record*, together with some practical hints on the selection of records by Hilary Jenkinson ; a notice was also circulated for display in libraries.

A list was made of waste-paper merchants with the help of the honorary secretary of their association ; they were asked to report the receipt of old documents and to give the representatives of the British Records Association a chance of examining and buying those which should be preserved. Enquiries on the same lines are now being made with regard to parchment, which, if it be animal and not vegetable, furnishes a constituent of munitions.

In November 1940 a report by Miss Wake on her visits to no less than thirty-six firms of midland solicitors was brought up at the annual meeting of the Association. It showed that the average solicitor had many important documents in his keeping and that in far too many cases destruction has been indiscriminate. This led to a personal appeal by the Master of the Rolls to members of that profession inviting them to give access to competent archivists so that they might have advice as to the value of the documents in their keeping. This was circulated to law societies and solicitors and was reprinted by the legal press in this country and in Scotland.

At the next annual meeting, in November 1941, Miss Wake brought forward a valuable list of the types of records found in lawyers' offices, which was reprinted in the *Solicitors' Journal*. It was felt that the official demand for paper was now so pressing that everything possible should be done to help it, though the need for discrimination was as urgent as ever. A panel of referees was prepared which covered the whole of England. Mr. Hutchings, the Director of Salvage, was very helpful ; and in December a letter under his name was printed in *The Times*, pointing out to owners of documents that, on application to the Association, local experts would be sent to examine their collections and segregate those that were of value.

The pace became faster and faster. Early in January of this year, owing to a genuine misunderstanding, instructions were issued by the salvage authority and an article based on them was printed in the *Justice of the Peace and Local Government Review*, which might have led, and in some cases did

lead, to a veritable holocaust of rate books, poor-law records and other valuable documents in the custody of local authorities. Three days later the Master of the Rolls wrote to the editor of that review and gave him modified schemes for the destruction of rate books; he pointed out that their value had been officially acknowledged and that the schemes in question would minimise the loss to historians, which he recognised as inevitable, and would leave about 80 or 90 per cent. of the whole quantity available for pulping. Reprints of this letter and a leaflet giving practical hints were sent to all referees. On 26 January the Master of the Rolls made an appeal by broadcast to owners and custodians of papers to consider their contents before they got rid of them; and a letter was printed in *The Times* to the same effect with the subtitle *Losses to knowledge* under his signature and those of the Master of Trinity College, Cambridge, the Regius Professor of History at Oxford, the Presidents of the Society of Antiquaries and of this Society, and the Director of the British Museum. A letter dealing with the special care of parochial records has been written by the Master of the Rolls and will shortly appear in *The Times*.

So far as bombs were concerned, there was less that could be done. Local collections of documents are very numerous; and so are their repositories. A comprehensive scheme for their removal from more to less dangerous places was out of the question, since many custodians were unwilling, often for very good reasons, to let them pass out of their possession, and it was not easy to draw the line between dangerous places and those that were relatively safe except in the case of London and the large cities. In July 1940, Mr. Stephens, the clerk of the peace for the county of Warwick, brought the matter before a meeting of the council of the Association and stated that he himself had been able to give accommodation at Warwick for valuable documents in less favoured localities and was ready to offer more. Enquiries were then made for relatively safe places; and letters were sent to institutional members, county councils and other local administrative bodies. By the middle of September fourteen replies had been received. In six cases arrangements had already been made, and five others were in favour of evacuation. The matter was again discussed in January 1941, when it was stated that action had already been taken in most of the danger areas. In March Mr. Stephens made another helpful suggestion, on which action was taken, that where documents of public bodies existed in duplicate one set should be removed elsewhere.

The other line of intervention by the Association was more methodical and effective. Reference has been made earlier to the compilation, in conjunction with the Historical Manuscripts Commission, of a comprehensive list of documents in England, Wales and Scotland and the collection of information through the agency of the Regional Commissioners. The need of some method of keeping track of records damaged by enemy action was discussed at the beginning of 1941 and the help of the Commissioners suggested. By May such a list was in process of formation. By July some sections had already been sent to the Commissioners ; and the others were dispatched in the course of the month.

It was made under great difficulties and it was known that it must contain many inaccuracies and inelegances. It is none the less true that a census has been compiled under stress of war that might well have been made many years ago and that will, it is hoped, be a permanent aid to historians. The introductory note explained its aims and asked for corrections and supplementary information. The lists contained about 1,800 entries ; and information in reply has been received from nearly sixty sources. More than half of the replies contained corrections and additions ; six writers offered accommodation for documents ; sixteen described the evacuation of their own archives ; and twelve had to tell of damage. Further enquiries are pending.

There can be no doubt that such damage has been widespread, even though it has been less than might well have been expected. The notes I have been able to collect from these twelve replies and from other sources are so incomplete as to be merely a fragment of the whole story ; but I give them for what they are worth.

In London, city companies, some of whom kept their records in safe rooms which were thought to be beyond peradventure of danger, were perhaps the hardest hit ; but at least two of them, the Salters and the Merchant Taylors, saved their muniments when all else perished. Many solicitors lost all their documents ; the serious damage to the records of the Salvation Army by damp is a severe loss to social historians ; and the Charterhouse now belies its name. At Holland House the manuscripts escaped ; and at Trinity House the more important archives were saved. When Bromley Church in Kent was destroyed, the registers were not damaged, but two volumes of great interest to bell ringers were badly injured. In Bristol reasonable precautions had been taken in advance. The city muniments are safe ; and the chief loss is that of the

records of the Bristol Corporation of the Poor, many of which have, however, been printed. At Coventry the city muniments had been transferred to a bank and are safe; but the strong room of the public library did not stand up to bombing, and the records of the old trading companies perished there. In Liverpool the public library was practically destroyed, but no damage was done to the records deposited there. Here, as at Plymouth and elsewhere, lawyers seem to have suffered more than their fair share. The only other losses which have come to my knowledge are those caused by the destruction of the public museum at Great Yarmouth and a library in Sussex.

It is much too early to assess the losses due to the salvage campaign. It is unlikely that many known documents of outstanding interest have been destroyed; but it is almost certain that research workers on genealogy, topography and local government—possibly in order of ascending importance—and all who have to rely on detailed information or who draw their conclusions by induction from a large number of small pieces of evidence have lost much.

I will conclude with words of exhortation. Expert treatment can often restore to damaged documents much of their original legibility, even though it may not be able to remove all the battle scars. Advice and, in certain cases, practical help is available at the Public Record Office and elsewhere; and it is vital that such advice should be sought at the first possible moment. Continued saturation cannot always be cured.

Two of the city companies kept their records in the Chancery Lane Safe Deposit. Many weeks after the bombs had fallen, they were brought to the Record Office. They were taken to pieces folio by folio and strung on lines in the museum like washing. The stench was overpowering, worse than a soap factory, worse than a charnel house. They were repaired; but had it been possible to rescue them at an earlier date from the watery slime in which they had lain, the work would have been easier and the results more satisfactory. Other documents, brought for repair from the same place after months instead of weeks, were quite hopeless.

Some valuable archives not far from the Temple had suffered in varying degrees. Many of them were but little hurt; but some of them were in such a state that a prominent antiquary who incautiously touched one of them became so tainted that she had to be led to the Record Office and submit her hand to scientific decontamination. In this case the interval since the

injury was relatively short ; but it was long enough for complete coagulation and corruption.

The effects of fire are easier to diagnose and hopeless cases are generally obvious ; but here, too, more can be done than appears likely to the untrained eye ; and this applies especially to damage caused by extreme heat. A document that has been in a safe when all around it has been burnt and has itself shrivelled to a quarter of its original size can be partially restored. In this case, however, speed should be avoided ; if the safe is opened before the atmosphere is sufficiently cooled, combustion and total destruction is likely to ensue.

I have said much about prevention and a little about cure. A third possibility is insurance, by having photofilms or photostats made of important documents. Much has been already done, and I may specially mention the work of the Society of Genealogists with regard to parish registers. A reproduction can never wholly take the place of an original ; but it obviously goes a long way ; and this is a precaution which should certainly be taken by owners of small collections.

THE SIGNIFICANCE OF THE BARONIAL REFORM MOVEMENT, 1258–1267

By Professor R. F. Treharne, M.A., Ph.D., F.R.Hist.S.

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The most significant feature of the baronial movement of 1258 is that it was the first deliberate and conscious political revolution in English history. The Angevin system of government, essentially a centralised despotism grafted on to the stock of a primitive national monarchy and growing within the framework of a feudal society, was transformed, at the Parliament of Oxford, into a limited monarchy based on written constitution. The entire power and authority of the crown, in every sphere of government, was put into commission and vested in a privy council of fifteen magnates, selected, not by the king, but by a sub-committee appointed by a committee of the great council; and for nearly two years England was successfully governed and reformed by this nominated privy council, which acted throughout in virtue of the mandate expressed in the Provisions of Oxford, regarding itself as representative of and responsible to the great council. In the king's own words, the Council of Fifteen treated him as a minor under their wardship, settling affairs of state without his presence, and without having asked him to attend, issuing orders without awaiting his authorisation, ignoring his views, and merely replying 'Nous volons qe issy soit', without any further explanation, when he remonstrated; they passed over his nominees for offices high and low, appointing others against his will; they used his great seal without consulting him, and denied him all use of it; in fact, they so far diminished his royal power and dignity that little or nothing was done at his command, and his orders were neglected as though it were the council that reigned. So said the king early in 1261, and it is significant that the council, in its moderate and reasoned reply, while denying all intention of humbling the king or of flouting his royal dignity, accepted his statement of the constitutional position, and reminded Henry that this was the system to which he had agreed in the Provisions of Oxford, whereby the king reigned, but the council ruled.[1] If we contrast this position with that which had obtained at the beginning of

[1] R. F. Treharne, *The baronial plan of reform* (Manchester, 1932), pp. 344–6.

1258—as defined, for instance, in the papal bulls of 1260,[1] or still better, in Louis IX's Mise of Amiens,[2] restoring Henry's authority to its former state—we can only describe as revolutionary the process by which the change was effected.

Never before had England experienced a constitutional change of this nature: from the purely constitutional standpoint, 1258 was far more revolutionary than 1066 or 1215. Yet this does not mean that the reforms of 1258 were without precedent, for between 1234 and 1258 several of the fundamental ideas of the Provisions of Oxford had been mooted at different times in the numerous recurrent crises that characterised the personal rule of Henry III, and on various occasions the king had even formally accepted some of them, though he had never allowed them to be given any discernible effect. The Provisions of Oxford were thus the culmination of a fluctuating and slowly developing movement for reform, going back to 1234; and the features which made 1258 so different from all the earlier crises were, firstly, that by 1258 Henry's financial and political difficulties had become so great that he could not escape their dread consequences except by submitting to whatever terms his magnates chose to demand, and secondly, that the leaders of 1258 rose to the occasion and submitted a plan of reform far more comprehensive and radical than anything which had previously been put forward, and, most important of all, were at last determined to make the sacrifice of time, effort, and self-interest necessary to give effect to their proposals.[3] This is what made the Parliament of Oxford the occasion of our first political revolution.

Yet it was a characteristically English revolution. It carefully preserved all the existing forms and machinery, from the crown and its great officers and departments of state down to the sheriffs and juries in the local courts, and, with slight additions here, and changes there, it sought to infuse a new and totally different spirit into English government, without making any major alterations in its structure. The vital differences were the capture of the king's privy council by the magnates, the insistence that the entire administration must henceforth take its orders from the council, and not from the king, and the new policy which the council sought to enforce.[4] In this last particular too, the revolution was characteristically English. It was not the work of a band of like-minded

[1] T. Rymer, *Foedera* (edit. A. Clarke and F. Holbrooke, Record Commission, 1816), I. i. 405–6.
[2] *Ibid.*, pp. 433–4.
[3] Treharne, *op. cit.*, pp. 47–63, 65–81.
[4] *Ibid.*, ch. iii.

revolutionary theorists, seeking to apply ready-made and doctrinaire solutions to problems long studied in the abstract, and having an identical conception of the goal to which they were striving, and of the ways by which it could be reached. It was the work of an entire class, small in numbers, but wielding decisive power, and consisting of individual members with widely differing points of view and ideas, banded together for the occasion by a deep sense of exasperation at Henry's misrule, and by the realisation of both the need and the opportunity for radical change in the direction of government. These feelings gave them, for the time, a unity of sentiment and of ideas which their leaders were able to express in both speech and action, and which, as long as it lasted, ensured the success of their plans.[1] How far these leaders knew what they wanted and how to get it, is not easy to say. They were great earls and barons, experienced in all phases of state business, both domestic and foreign; they were trained soldiers, and they were thoroughly familiar with all the important fiscal, administrative, legal and judicial problems arising out of the management of their own honours and estates; in short, they were practical men, with very little interest in or knowledge of abstract political theory.

Of their number, Simon de Montfort was probably the sole exception to this last generalisation, though the evidence which suggests that he participated in abstract political speculation is both scanty and obscure, and our estimate of this aspect of his character must rest largely on deductions from his actions and from the circle of his friends. Little can be based upon the well-known opening of one of Adam Marsh's letters to Grosseteste: 'Remitto dominationi vestrae abreviationem illam quam scripsistis de principatu regni et tyrannidis sicut misistis, signatam signo comitis Leycestriae.'[2] Adam's description of the treatise piques our interest, but even if we knew its contents we could not say with certainty that Simon had ever read or discussed them. Still, we can place much more reliance on more general considerations of Simon's character and friends. Simon had the radical cast of mind which, whether trained in philosophy or not, goes down to fundamentals, and knows that general principles, not material details, should decide human conduct; his own intellectual training was infinitely superior to that of any contemporary English noble, and his closest friends in England were not his fellow-barons, but Robert Grosseteste, the noble-minded scholar,

[1] *Ibid.*, pp. 100–1.
[2] *Monumenta Franciscana* (edit. J. S. Brewer, Rolls Series, 1858), i. 110.

teacher and bishop, Walter Cantilupe, one of Grosseteste's friends and himself a university *magister*, and Adam Marsh, one of the great figures in the intellectual development of thirteenth-century Oxford. With such friends and with such a mind and character, Simon, whose generous spirit quickly revolted against the mean shifts and shabby incompetence of Henry III's misrule, may safely be supposed to have discussed politics frequently and eagerly with his learned friends, and Adam's letters indeed afford several mysterious allusions to some great project for the salvation of England, to which Simon and Grosseteste were deeply committed, and which would bring down on them the hostility of king and court.[1] True, Adam's obscure and cryptic hints seem to suggest a religious, rather than a political programme, but that may have been only the habitual mode of expression of a pious and rather conventional schoolman, who naturally clothed political ideas in religious garb, and wrote of political reform in terms of the salvation of souls. This, at least, we can say with confidence, that Simon had long discussed English problems and politics with Grosseteste and Adam Marsh, that he had long been resolved to undertake some notable scheme of reform, and that it is highly probable that he had, in his own mind, a clear picture of the reforms which he desired to carry out and the steps by which he would realise them, as well as of the fundamental political, moral and religious ideas on which those plans were based.

There is nothing in the history of the years from 1258 to 1267 which suggests that any of Simon's baronial colleagues had the same interest in ideas or the same grasp of general principles. Richard de Clare, earl of Gloucester, may have had some personal contact with the theorists, for one of his clerks, John Sackville, may have been identical with a former English rector of the University of Paris[2]; but in the earl's whole character and career there is no hint that his interest in politics was anything other than practical. It seems highly probable that the barons of 1258, apart from Simon de Montfort, approached their task entirely from the practical standpoint of the redress of grievances which they had, as a class, experienced in common for more than twenty years. Repeated crises, in which the same fundamental proposals for reform

[1] C. Bémont, *Simon de Montfort* (trans. E. F. Jacob, Oxford, 1930), pp. 39–48: a fairly full general discussion of the intellectual background of Simon's political ideas.

[2] F. M. Powicke, 'Some observations on the baronial council (1258–60) and the Provisions of Westminster', in *Essays presented to T. F. Tout* (edit. A. G. Little and F. M. Powicke, Manchester, 1925), p. 122.

had been mooted over and over again, had taught them the first steps essential to any effective plan of reform—the nomination of the king's advisers to ensure sound policy, the appointment of reliable men to the principal offices of state, the subordination of the entire executive machine to the authority of the nominated councillors, and some device for regular meetings of the great council to ensure continuous support of and control over the nominated councillors and officials. The repeated failure of devices less drastic or less complete than these had taught the men of 1258 very clearly that these were the steps they must take.[1] They had resolved to take the framing of policy and the direction of the administration entirely out of the king's hands, and the Provisions of Oxford, the first stage in their plan of reform, show that the barons knew, precisely and completely, what was necessary to secure this end. The details of the Provisions are clearly and carefully thought out. The committee of twenty-four which drafted them obviously knew its business, and devoted sufficient time and attention to provide, in great detail and with exact precision, all that was necessary for taking over the government of the land—the oaths of the king and of the Lord Edward; the oath of the 'community' to one another and to the new council; the method of nominating the privy council and of securing its responsibility to the great council, by means of both regulations and an oath; the nomination of the great officers of state, and their subjection to the privy council by regulation and oath, together with a general prescription of their duties; the placing of all administrative departments and officials under the authority of the privy council; the arrangements for 'parliaments' to meet at fixed dates three times a year, with detailed provision for membership and for summons; and finally, the handing over of all royal castles to nominated constables bound by an oath.[2] There can be no doubt whatever that the reformers of 1258 had an extremely clear idea of the first steps essential to the plan of reform—if anything, their first provisions were somewhat too elaborate and detailed, for two points at least in the Provisions of Oxford were subsequently abandoned as unnecessary, namely, the duplication of the great officers of state,[3] and the provision that they should not hold office for more than a year.[4]

How much further could they see than these first steps? These measures, amounting to a fundamental revolution in English politics, were, after all, only a means to an end. They

[1] Treharne, *op. cit.*, pp. 47–56.
[2] *Ibid.*, ch. iii.
[3] *Ibid.*, pp. 93–5.
[4] *Ibid.*, pp. 94–5, 179.

placed the machinery of government under baronial control, but to what purpose? Had the baronial leaders any further conception of what they wanted, having seized control? Here again the Provisions of Oxford give us a definite answer. The men of 1258 wanted to reform the administration of England, not merely to control it. In the sphere of central government, their principal reforms have already been enumerated in describing their measures for bringing the machine under their own control, and their remaining proposals did not envisage any important changes in machinery or in working, apart from a rather vaguely expressed intention to remove undesirable officials, and an impracticable order that all revenues must be paid into the exchequer and not into the wardrobe.[1] But in local government we see that they had a very clear picture of what was needed—fundamental changes in the methods of selecting, appointing, controlling and paying sheriffs, escheators, and other local officials,[2] and a general enquiry into the wrongs done by local officials to any of the king's subjects, however humble, with speedy redress and punishment at the hands of the justiciar.[3] An eyewitness account of the Parliament of Oxford further adds that the barons announced their intention of proceeding immediately to further reforms, especially in land law and other important legal and administrative matters,[4] while the Petition of the Barons had put forward at the beginning of the parliament many detailed grievances in law, administration and judicial procedure, which the barons desired to remedy.[5] The whole history of the council of fifteen, from the Parliament of Oxford to the point in February 1260 when the king's counter-plot first becomes visible, shows, moreover, that the seizure of control was regarded only as the means to a much greater end, and that in July 1258, the reformers knew that, having assumed power, they were only at the very beginning of their task.[6] That task was to reform the state of the realm, and their long discussions, drafts, and ordinances brought forward in the successive parliaments show how they envisaged it. The enquiry into grievances [7] and the consequent eyres of the justiciar [8] and of the special commissions of 1260,[9] the Ordinance of Sheriffs of October 1258,[10] the *Ordinationes Magnatum* of February 1259,[11] and the Provisions and Establishments of

[1] Treharne, *op. cit.*, pp. 95–7. [2] *Ibid.*, pp. 97–9.
[3] *Ibid.*, pp. 99–100. [4] *Ibid.*, 79–80, and 80, n. 1.
[5] *Ibid.*, pp. 70–2. [6] *Ibid.*, pp. 70–6, 79–80, 86, 101, 107–212 *passim*.
[7] *Ibid.*, pp. 108–11. [8] *Ibid.*, pp. 111–17, 144–56.
[9] *Ibid.*, pp. 196–204. [10] *Ibid.*, pp. 119–21. [11] *Ibid.*, pp. 137–40.

Westminster in October 1259,[1] show us what was the end which they had in view; it was, as they had declared from the outset, 'the reform of the state of the realm' in its widest sense, in as humane, merciful and generous a spirit as their age and class could conceive.

This was, moreover, their declared aim from the first; the Provisions of Westminster and the special eyre of 1260, their last great reforms, are implicit, and even partly explicit, in the decisions of the Parliament of Oxford.[2] They started on their task with a remarkably clear view of what they wished to accomplish, and with very precise ideas of the means by which they proposed to achieve their earlier objectives—how else could the Provisions of Oxford, the commission for the enquiry into grievances, and the Ordinance of Sheriffs have been produced and published so quickly, or discussions on the reforms ultimately embodied in the Provisions of Westminster have been so promptly begun? Nevertheless, it is also clear that, as the plan developed, they shifted the emphasis on some of the details of the reform programme, and discovered new matters calling for their attention as fast as they solved the problems which they had first envisaged[3]; the *Ordinationes Magnatum*[4] and the Establishments of Westminster[5] prove this very clearly. Their approach to the whole problem was practical, and although they had very clear ideas of the nature of their task, they knew how to learn from experience and to change their plans to suit the circumstances which they encountered on the way.

Whether they foresaw the full extent of their task we may very reasonably doubt, for the more they accomplished, the more was revealed awaiting their attention,[6] and it is highly unlikely that Gloucester and his friends would have been as whole-hearted as they had seemed at the outset, could they have foreseen what Simon and his disciples would demand of them early in 1259.[7] There was unanimity on the early stages, the seizure of the government, the expulsion of aliens,[8] the ending of the Sicilian affair,[9] the regulation of the activities of the sheriffs,[10] the enquiry into grievances,[11] and on many of the points of the Petition of the Barons[12]; but the divergence of views which appeared early in 1259, and broadened rapidly throughout the year, shows that some of the barons had not

[1] *Ibid.*, pp. 133–7, 157–212.
[2] *Ibid.*, pp. 79–80, 133–7, 157–60.
[3] *Ibid.*, pp. 175–8, 388–9.
[4] *Ibid.*, pp. 137–40.
[5] *Ibid.*, pp. 178–91.
[6] *Ibid.*, pp. 190–1.
[7] *Ibid.*, pp. 136–41, 160–4.
[8] *Ibid.*, pp. 73, 76–9, 125–30.
[9] *Ibid.*, pp. 66, 68–9, 101–7.
[10] *Ibid.*, pp. 97–9, 119–25.
[11] *Ibid.*, pp. 99–100, 108–17.
[12] *Ibid.*, pp. 70–1.

foreseen, or else had not fully understood, what was proposed during 1259, and that the men who carried out the revolution were by no means all of one frame of mind. While all were substantially agreed on the earlier stages of the work, down to the end of the October Parliament of 1258, and while, moreover, the leaders, at least, had a very clear idea of the measures necessary to complete those earlier stages, it seems certain that Simon and his friends, the more ardent and sincere reformers, saw clearly from the outset the further moves, as far as the main outlines of the *Ordinationes Magnatum* and the Provisions of Westminster, whereas Gloucester and his friends did not see clearly so far ahead.

This raises another question, the indebtedness of the reformers to the bureaucracy. To this, no precise and definite answer can be given, for we have no detailed reports of the discussions which preceded the various provisions and ordinances from June 1258 to October 1259. Nevertheless, certain points stand out. Throughout the period of the unchallenged rule of the council, down to the end of 1259, the reformers had the full and apparently whole-hearted co-operation of the king's clerks and servants[1]—apart, of course, from those few whom they dismissed as unsuitable.[2] Once only was there any suggestion that, if put to the test, some of the king's clerks might obey the king and not the council. This was when the papal envoy Velascus was admitted to England by forged letters patent and close, purporting to have been issued on the council's authority, and bearing the great seal. Here, in the absence of Henry of Wingham, the chancellor appointed and sworn under the Provisions of Oxford, the temporary keeper of the seal, Walter of Merton, allowed it to be affixed to the forged letters on the sole order of the king, without receiving the council's warrant. We can hardly assume that Walter was ignorant of the content of these letters or of their importance, or that he was unaware that they were contrary to the council's decision, and we must conclude that Walter knew that he was breaking the spirit of the Provisions in affixing the seal to these letters. In his defence it can be pointed out that Walter, unlike Henry of Wingham, had not taken the chancellor's oath prescribed by the Provisions, and so might well hold himself bound to obey the king's orders irrespective of any council warrant.[3] But, disquieting as was this incident, in that it unexpectedly showed what might

[1] Treharne, *op. cit.*, pp. 95–6, 110–1, 118, 134, 347–8. [2] *Ibid.*, pp. 9, 143–4.
[3] Treharne, 'An unauthorised use of the great seal in 1259', *Eng. Hist. Rev.*, xl. 403–11.

happen if Henry were to challenge the Provisions, it stood alone; until the beginning of 1260 Henry made no other move against the Provisions, and the bureaucracy seems to have worked as loyally and helpfully with the council as though it had always been accustomed to a limited monarchy.

Nor was this all. At many points we have strong suggestions that this co-operation included valuable proposals for the better execution of the reformers' plans; in the instructions to the commissioners to enquire into grievances in 1258,[1] possibly in the Ordinance of Sheriffs, and certainly in the discussions of the *Providencia Baronum*[2], and the Provisions and Establishments of Westminster[3] we can almost certainly see the expert civil servant at work, advising the reformers how best they might attain their ends, and even suggesting new problems for solution and the means by which they might be solved. In the memorandum of the *Providencia Baronum* we have actual evidence that the king's officials stated their opinions and were heard with respect and agreement. It seems probable that the shift in emphasis on legal reforms, between the Petition of the Barons and the Provisions of Westminster, was partly due to the influence of the expert bureaucracy,[4] and several of the matters included in the Establishments of Westminster clearly required expert advice.[5] Moreover, the council paid careful attention to its great officers of state, including them as members in its meetings,[6] and using them and the other senior officials, especially the two leading justices, Henry of Bath and Roger Thirkleby, on several important commissions, to decide various technical matters of administration and finance.[7] At the same time, we must not ascribe to the influence of the king's clerks all the practical reforms in administration, finance, law and procedure which were promulgated between June 1258 and December 1259; while many of these called for expert advice, very few of them were beyond the direct and common experience of the reforming barons themselves. A baron who was prominent enough to be one of the council of fifteen, or of the committee of twelve, was almost as much at home in matters of administration, finance and law as the king's clerks themselves, and would need their advice only on the most technical difficulties; in any case, his remedies were so much matters of common sense and justice that, except on certain legal and fiscal technicalities, he was quite as well equipped as they to

[1] Treharne, *The baronial plan*, pp. 110–1.
[2] *Ibid.*, pp. 133–4.
[3] *Ibid.*, pp. 157–91.
[4] *Ibid.*, pp. 175–7.
[5] *Ibid.*, pp. 179–82.
[6] *Ibid.*, pp. 83–4.
[7] *Ibid.*, pp. 179–82.

devise the necessary reforms, though he might need their help to put his measures into official chancery or legal language.[1] On the whole, it seems probable that while the civil service gave the reformers full co-operation in executing the plan of reform, and much useful help in solving the technical problems arising from it, in its main outlines and its important details, the plan was the barons', and owed little to the bureaucracy.

We have, then, to deal with a plan of reform which was introduced as a result of a revolution conceived and carried out, without violence or bloodshed in the first place, by the entire baronage. It was no mere *coup d'état* of a small clique grasping at power for personal ends, nor would it be fair to describe it as a concerted attempt of the baronage to exploit the king's difficulties by seizing and monopolising power in the exclusive interests of their own class. Despite grievous shortcomings, which led to ultimate disintegration and failure, the movement of 1258 was far deeper and more altruistic than either of these things. It was a real revolution, launched and executed by the barons in the first place, but drawing from the outset on the active co-operation of the knights, and, in the later stages, of the townsfolk, and even of the peasantry. It relied on the loyal help and counsel of the expert civil service, and at the earliest possible moment it won the fullest support of the overwhelming mass of the prelates and clergy. It aimed, not merely at seizing power, which was but the indispensable preliminary to the plan of reform, but at reforming the state of the realm for the benefit of all classes, according to current conceptions of justice, law and right. If the projects of 1258 would not have satisfied Lenin or Gladstone, or even Locke or Pym, we must remember—and the reminder is not unnecessary in these unhistorically censorious days—that this is one of those matters which must be judged by the standards of the age to which it belonged. Revolutions are in relation to the systems which they seek to transform and to the ideas of the ages in which they are conceived. The reformers of 1258, even in their sincerest projects, were limited by the conceptions and circumstances of their own day, and the fact that they envisaged their task in terms of contemporary problems and ideas does not deprive them of the character of revolutionaries: if their project was not a revolution, our history has known none yet.

A movement so profound was necessarily the outcome of a widespread general dissatisfaction with the existing administration, law and policy. This discontent can be seen working

[1] Treharne, *The baronial plan*, pp. 120, n. 1, 167–9.

through all classes, in varying forms and degrees. Even at its best, medieval administration had characteristic defects, from which it could not free itself until the system of farming local offices was replaced by the payment of salaries, and central control over local officials brought to a far higher pitch than ever the middle ages knew.[1] The law, advancing slowly with its face turned back towards the past, is always far in arrear of social needs ; its delays were still commonplace to Shakespeare and to Dickens, and blindfold justice has ever failed to see how power and wealth weigh down her scales unevenly. As for Henry's policy, all who knew what was happening, both at home and abroad, had had twenty-four years in which to reflect upon the king's military ineptitude, his silly and expensive diplomacy, his superstitious fear of Rome, his wilful injustice, and his utter incompetence in all matters of domestic policy in which the ends had to be measured against the means at his disposal.[2] Even those who were too humble or too ignorant to understand these things, knew at least that the king, now perilously near to bankruptcy, was bringing the whole administrative machine, especially in fiscal matters, to press more heavily on them than they could willingly bear, unless stronger, better, and juster government were given them.[3] When to the perennial faults of medieval government we add the particular failings of Henry III's personal rule, we have no need to wonder why the reformers of 1258 were moved to strike deep or why their blows roused such resounding echoes from men of all classes and kinds.

Yet those who had most cause to complain were least articulate : it has always been easier for the historian to recount Hob's wrongs than to tell his grievances. So, since there was no Jacquerie in 1258, and no Langland or John Ball to voice his thoughts, we shall probably not be far wrong in guessing that the English peasant felt that the hardships of his lot, though grievous and unjust, were so deeply ingrained in the natural order of things as to be beyond any prospect of serious readjustment. Therefore, although the reformers sought to alleviate the lot of the poor by reforms in the law under which they lived and the regulations governing the officials who ruled them,[4] and although they strove to punish the petty

[1] See especially H. M. Cam, *The hundred and the hundred rolls* (London, 1930), *passim*, and *Studies in the hundred rolls* (*Oxford Studies in Social and Legal History*, ed. Sir P. Vinogradoff, vol. vi), (Oxford, 1921), ch. iii ; also W. A. Morris, *The medieval English sheriff to 1300 A.D.* (Manchester, 1927), ch. x.

[2] Treharne, *Baronial plan of reform*, pp. 47–63.

[3] *Ibid.*, pp. 30–47. [4] *Ibid.*, pp. 97–9, 108, 119–25, 132–9, 157–91.

crimes of the many local jacks-in-office who throve by bullying the defenceless poor,[1] the response which their commissioners received seems to have been both smaller and slower than they had expected, and for some time the number of recorded complaints from the peasantry proved surprisingly small.[2] Yet, as the months went by, and news of the aims and labours of the reformers spread through the land,[3] complaints against both royal and baronial officials began to multiply, until the justiciar found that he could not keep pace with them, and six new commissions of justices had to be created to cope with the work which he had at first thought to handle alone.[4] During 1259 opinion began to form itself behind Montfort and his friends, and the general enquiry into grievances, so energetically followed up by the justiciar's peremptory action, contributed greatly to this result.[5] There can be no doubt whatever of the general popularity of Simon's cause among the lower classes in the time of his dictatorship, and, perhaps most clearly of all, in the two hopeless years after his death. The popular canonisation of Simon shows that ordinary men and women regarded him as a martyr in their cause, and the legends and hymns that sprang up at once over his mutilated body are witness to the feeling which his stand had aroused among the humble people of the land.[6]

If the peasantry were inarticulate in their own grievances, and slow at first to realise that help—sincere, though limited—was at hand, it was not so with the other classes. From the first the townsmen of London were strongly with the reformers, forcing their reluctant aldermen to promise adherence to the Provisions of Oxford in July 1258.[7] In 1263 they merged their own social struggle against the powerful merchant oligarchy, with the political revolt of the whole nation, when, under their radical mayor Thomas fitzThomas, they formed that alliance with the Montfortians which unquestionably saved the baronial faction from total obliteration in the winter of 1263.[8] They drove the king from their city and refused him re-entry; they gave shelter to Simon and his friends when no other refuge except distant Kenilworth could have protected them from the overwhelming force mustered by the king in

[1] Treharne, *Baronial plan of reform*, pp. 99–100, 108–17.
[2] *Ibid.*, pp. 115–16, 120.
[3] *Ibid.*, pp. 148–9, 155–6.
[4] *Ibid.*, pp. 185–6, 196–204.
[5] *Ibid.*, 155–6.
[6] See cl. 8 of the Dictum of Kenilworth (Stubbs, *Select charters*, 9th edn., p. 409); also *Miracula Simonis de Montfort*, edit. J. O. Halliwell (Camden Soc., 1849). There are useful summaries in Bémont, *Simon de Montfort*, pp. 256–7, and in G. W. Prothero, *The life of Simon de Montfort* (London, 1877), 371–81, 388–91.
[7] Treharne, *op. cit.*, p. 81.
[8] *Ibid.*, pp. 307–8, 311–12.

November 1263.[1] They snatched Simon's little band of followers from out of the king's clutches when he had them trapped in Southwark early in December[2]; they poured out in thousands to the siege of Rochester and to the battle of Lewes, desperately striving two nights before the battle to learn, by the light of their camp-fires in the clearings of the Weald, whatever Henry of Hastings and his lieutenants could teach them of the means by which lightly-armed footmen might withstand the shock of Henry's feudal cavalry.[3] Though at Lewes they were cut to pieces in the first onslaught, even their flight, drawing Edward's column far from the battlefield in vengeful and greedy pursuit, gave Simon the victory by dividing his foes at the outset of the battle.[4] London was the chief centre of Simon's power throughout his dictatorship, and had he been able to escape from the trap which his enemies had baited for him in Hereford, he might, by successfully rejoining his London allies, still have snatched victory out of defeat. After Simon's death, it was on London that the most bitter fury of the royalists' vengeance fell. For months, the chief officers of London, despite Edward's safe conduct, were kept in prison at Windsor, while their fellow citizens were stripped of all rights and virtually outlawed until, on payment of a crushing fine of twenty thousand pounds, Henry grudgingly restored their private rights, and not until May 1266 did they recover any of their civic liberties.[5] In 1267 it was the Londoners whom Gloucester sought to rouse in his desperate but successful *Putsch* to compel the king to show some conciliation to the still defiant Ely rebels by honestly applying the terms of the Dictum of Kenilworth.[6] This merging of the social conflict in the city with the wider struggle of the whole nation is highly significant; in the programme of the reformers, the insurgent Londoners, fighting against wealthy privilege and monopoly in their own city, found something which was fundamentally akin to their own aims. London, from first to last, was wholeheartedly for the reforms, and it was not without cause that in the first flush of revenge after their victory at Evesham, the royalists decreed that the very name of Londoner should be held legally synonymous with 'rebel'.[7]

Of the feelings of the men of other cities we have relatively

[1] *Ibid.*, pp. 323–4, 327, 332–3.
[2] *Ibid.*, pp. 332–3.
[3] Rishanger, *Chronicon de duobus bellis*, ed. J. O. Halliwell (Camden Soc., 1849), p. 30.
[4] Bémont, *op. cit.*, pp. 213–14.
[5] *Ibid.*, pp. 250–1; *Liber de antiquis, legibus*, ed. T. Stapleton (Camden Soc., 1846), pp. 77–89; *Calendar of patent rolls, 1258–66*, pp. 460, 469, 472, 519, 530–1, 588, 658.
[6] Prothero, *op. cit.*, pp. 359–61.
[7] Bémont, *op. cit.*, pp. 250–1.

little evidence; a few towns, such as Shrewsbury, Bridgnorth, King's Lynn, and Yarmouth gave valuable support to the King[1]; while the men of Dover and the Cinque Ports were not a whit less enthusiastic than the Londoners in their support of the cause of reform, and rendered invaluable service by holding the narrow seas and the main gateway of England for Simon, and in preventing Henry from drawing any help from foreign allies or exiled Englishmen from the summer of 1263 onwards.[2] Bristol too intervened decisively in Simon's favour in the early months of 1264, and gave him help at other times, almost succeeding, in the campaign of 1265, in rescuing him and his forces from the deadly trap in which he was caught[3]; while Hereford was fined 500 marks after the battle of Evesham for the shelter which it had given to the earl.[4] Wykes, who was strongly royalist, suggests that in general the urban populace sided violently and turbulently with Montfort from 1263 onwards, and other chroniclers give a similar impression[5]; but there is too little definite evidence to justify a generalisation that the towns of England were actively Montfortian, although Simon's action in summoning representatives from all the cities and boroughs to the parliament of 1265 is very significant.[6] It seems probable that, in any given town, all depended on the strength of the local merchant oligarchy which normally ran town life in England at this time, and on the violence of the popular feeling of insurgence against their monopolistic privileges; and as this balance of forces always depended on purely local circumstances, the resulting action naturally differed from place to place. Still, the mere fact that effective urban support for Simon's policy depended on the degree to which popular revolt could loosen the grip of privilege and wealth, is itself highly significant of the appeal which the reform policy made to contemporary urban opinion, and whether, by listing all the towns which are known to have assisted Earl Simon, we can or can not substantiate Wykes' broad generalisation, it seems highly probable that he reported accurately the sentiments of townsmen in general.

[1] For Shrewsbury and Bridgnorth, see Treharne, *op. cit.*, p. 266; Rishanger, *op. cit.*, pp. 11–12; and N. Trivet, *Annales* (edit. T. Hog, London, 1845), p. 251. For Yarmouth and King's Lynn, see *Calendar of Patent Rolls*, 1266–72, pp. 44, 131–2, 214; and *Chronicon Thomae Wykes* (edit. H. R. Luard, *Annales monastici*, vol. iv), p. 197.

[2] Treharne, *op. cit.*, pp. 306, 313, 331–2; Bémont, *op. cit.*, pp. 233–4, 251.

[3] Treharne, *op. cit.*, pp. 193, 310; Bémont, *op. cit.*, p. 240; the Continuator of Gervase of Canterbury, *Gesta regum* (*Historical works of Gervase of Canterbury* (ed. W. Stubbs, *Rolls Series*, 1880, vol. ii), pp. 221–2.

[4] *Calendar of patent rolls, 1258–66*, pp. 444–5.

[5] Wykes, *op. cit.*, p. 138.

[6] Stubbs, *Select charters*, p. 403.

With the knights, too, we must deal cautiously. The knights of 1258 were not mere soldiers without experience of administrative and political matters ; they were already landed gentlemen who, as Dr. Denholm-Young has fully demonstrated,[1] were making estate management—whether of their own lands or of the lands of wealthier men—into an honoured and highly skilled profession. They had opened the way to administrative careers, alike in feudal households and courts and in the King's service in the counties ; they were the men who ran the shire, especially by means of the little group of *buzones*, the leading knights in every county, who formed an informal committee of active and experienced seniors assisting the sheriff and the justices, and who usually provided most of the personnel of local government, including sheriffs, escheators, coroners, and the higher forest officials.[2] They formed the juries which answered fiscal, administrative and judicial enquiries ; they were the men on the spot to whom, for nearly a hundred years, the central government had been accustomed to turn whenever it wanted information, co-operation or money. In short, it might plausibly be maintained that already these men had more in common with the eighteenth-century squires than with the almost anonymous ' chevalers ' who, essentially professional warriors, followed their Norman lords to England and first planted their families in English soil. The knights knew more about local government than anyone else in England, not even excepting the itinerant justices or the exchequer officials, for at this period they manned the local machinery almost exclusively, and their knowledge of it was detailed and direct.[3] To imagine them, therefore, as incapable of forming well-grounded judgments on national problems would be to misunderstand both them and the problems of government, for the questions which confronted the reformers of 1258 were in very large measure those of local government. Even on wider issues these men were far from being ignorant or ill-informed : since the time of John they had often been summoned to formal councils to lend support, or to vote money, or to bring information to the government, and while we have no evidence to show what part they actually took in these assemblies, nor can we assume that their rôle was more than passive at this early stage, we can still feel reasonably certain that they were deeply interested in most of the problems which the Parliament of Oxford had to

[1] *Seignorial administration in England*, Oxford, 1937.
[2] G. Lapsley, ' Buzones ', *Eng. Hist. Rev.*, xlvii. 177–93, 545–67.
[3] Cam, *The hundred and the hundred rolls, passim.*

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face.[1] They were quite capable of forming sound judgments on such matters as the expulsion of aliens, the need to control the king's policy and action in all matters of domestic government, and even on the methods by which such control could best be exercised; while on the vitally important matters of reform in law and local government, which were to prove the crux of the problem in 1259, their opinions, though not impartial or broad, were founded on the closest and most direct experience possible.

How did this class react to the plan of reform? Put in these words, the question is somewhat misleading. The knights, though well aware of the common interests which they shared, and quite capable of temporary organisation for concerted action, were individuals and did not act with the rigid uniformity which the word 'class' brings to mind in these days of mechanical conceptions of social history. Like other social classes of the time, they were deeply divided by the cleavage produced by the plan of reform and by the civil war; traditional views and old loyalties were in many cases stronger than the appeal of the new order or the sense of personal interest, and many knights simply followed their lords into battle and fought under the standard to which they were bidden rather than under the banner of their own choice. Feudal armies were, after all, essentially armies of knights, and if, in the threatened or actual clashes of arms between November 1263 and July 1267 the royalists generally had the advantage of numbers, we are bound to conclude that on these occasions at least, more of the knights fought on the king's side than on Earl Simon's. The king and his friends could not have fought at all had they not been followed in force by their knights, and we must assume that throughout the period the knights, on the whole, followed their overlords when the quarrel reached the point of civil war. But if this be so, what meaning can we attach to the frequent statement that Earl Simon relied largely on a strong following among the knights? In one very obvious sense, the statement is necessarily true: Simon, no more than the king, could have pressed his cause to the point of war without an army of knights ready to fight for him even against their sovereign lord the king, and when, as at the Parliament of Oxford, and throughout the period down to the spring of 1260, we say that Henry could offer no resistance to the plan of reform, we mean that the overwhelming body of knights was arrayed against him.

[1] D. Pasquet, *An essay on the origins of the House of Commons* (trans. R. G. D. Laffan), Cambridge, 1925, ch. ii.

Again in the summer of 1263, and—though much less overwhelmingly—once more between June 1264 and July 1265, the same is true ; while, even when outnumbered by his foes, Simon could still count on the support of knights enough to defend himself and his cause, and after his death hundreds of knights from up and down England carried on the hopeless struggle with a reckless and desperate courage behind the mighty defences of Kenilworth and in the pathless swamps of the Fen country. But here again it is highly probable that many knights simply followed their lords, whether to armed parliaments where their unbroken array daunted the king's timid hopes of resistance, or to the fiercer battlefield where they might find themselves drawn up to do battle with others of their own rank, their very neighbours, friends, and even kinsmen, to fight under the shadow of rebellion and treason against the supreme lord of all the knights of England—a fight not easy to undertake, and one from which there could be little hope of honourable withdrawal save through victory.

It is not however, primarily, support such as this—though without it Simon could not have fought, and though it often proved faithful unto death—that we have in mind when we say that the reformers in general, and Earl Simon in particular, relied on the knights for support ; the barons, rather than the knights, decided this kind of backing. The essence of the claim is that large numbers of knights, independently of their feudal lords, co-operated actively and vigorously with the reformers, striving throughout the shires, as commissioners of the enquiry into grievances in 1258 and 1259,[1] as sheriffs, *buzones* and electors, as escheators, coroners, forest officials, and in other capacities too, to give effect to the promises made at Oxford.[2] From the very outset the part which they were called upon to play in the plan of reform was vital ; its importance increased with every new development of the plan in local government, which, without wholehearted help from the knights, could not have been reformed at all. Finally, in September 1261,[3] and again in June 1264[4] and February 1265,[5] Simon turned to them for yet further support, and called them to parliament to play their rôle on the wider stage of national politics, hoping, by an appeal to their representatives in the national assembly, to outweigh the defection of many of his baronial allies by the overwhelming and decisive rallying of the knights to his cause.

[1] Treharne, *op. cit.*, pp. 99–100, 108–11, 186–9.
[2] *Ibid.*, pp. 97–9, 119–25, 182–5, 204–9, 267–8.
[3] *Ibid.*, pp. 266–7.
[4] Stubbs, *Select charters*, pp. 399–400.
[5] *Ibid.*, pp. 403–4.

We bear in mind the sharp action of the *communitas bacheleriae* at the Parliament of Westminster, when, on their own initiative, the younger knights and bachelors assembled at Westminster in the households of their lords, fearing that the growing opposition of some of the great nobles would frustrate the long-promised and much-debated body of reforms which the parliament had been called to proclaim, banded themselves hastily together and sent to their lords in council a message so peremptory and so full of the knowledge that in the last resort the knights would decide the issue, that the reformers, wavering on the brink of defeat, rallied and were able to force through the Provisions of Westminster and so to redeem a very great part of the promises which they had made to the nation in the Parliament of Oxford eighteen months before.[1] We remember how, in the summer of 1261, when Henry, newly absolved by Alexander IV from his oath to the Provisions, swept away by proclamation the Provisions and all that had been built upon them, dismissing the council, the parliamentary committee and all baronial officials from the justiciar down to the sheriffs, it was the sheriffs who stood firm when all the great men tamely surrendered office. These county knights, firmly rooted in the county courts where they held sway, refused to give place to the king's nominees, great and powerful barons though they were, and fought out the issue till the last hope was gone, maintaining themselves in some cases for many months, before the king's sheriffs could oust them, and even then surrendering only on honourable terms. Such a spirited resistance argues a considerable support in the shires concerned, from the *buzones* and other leading spirits of the shire court: these men had seen the light and were resolved not to turn their backs on it, either at the bidding or at the threats of a king whom they distrusted and despised. Moreover, the movement was a perfectly spontaneous explosion, unprompted and unco-ordinated at first by any baronial leaders so far as we can discover. It indicates more clearly than anything else could, how deeply the plan of reform had impressed itself on those who were the mainstay of local government, the county knights, and it shows us their determination to preserve at least this fragment from the general shipwreck of the plan of reform. In fact, their bold stand heartened the baronial leaders, for the moment broken into fragmentary cliques by their own jealousies and distrust, and by the cunning intrigues of the royalists, and within a few weeks many of the great men had once more

[1] Treharne, *op. cit.*, pp. 160–4.

banded themselves together under Simon's leadership, and were seeking once more to restore the Provisions to full authority. It is highly significant that this revival led at once to the abortive attempt to hold a parliament at St. Albans without the king, and to summon to it three knights from every shire: Simon was indeed calling in a new world to redress the balance of the old. And when this failed, because when it came to the point, Gloucester and his friends could not stomach the alliance with the knights and the local government reforms which that alliance entailed, the baronial league collapsed once more: but the knights fought on to retain the sheriffs appointed under the Provisions, and it is most significant of all that the last of the reforms to be swept away by the triumphant king was the provision that forced him, in choosing sheriffs, to consult the county court and to allow the sheriff to be chosen in the exchequer from a 'short list' of four knights selected by the county court.[1] The knights, at all events, knew what the plan of reform meant for them and their neighbours, and if many merely followed their lords into battle, many others—and those the most active and experienced in local politics—followed an interest or an ideal; they stood by the side of Simon as long as he lived, and fought on through two bitter years of hopelessness to compel the royalists to allow their return to the normal life from which they had been outlawed for their support of the great earl. It is this that we have in mind when we say that the knights were the backbone of the Montfortian party in 1264 and 1265. The significance of this fact in the history of English political and social evolution is indeed very great.

The part played by the clergy in our first political revolution was no less significant than that of the knights. The events of the years between 1252 and 1258 might easily lead us to expect that when the crisis came, the Church would be found in the forefront of a national opposition, as in 1215 and again in 1234, with the archbishop of Canterbury giving a high moral lead to the whole movement, and placing sectional and particular discontents on a broader national foundation of ethics and religion. Recent precedents pointed that way, and moreover, it was the Church which had suffered most at the hands of this most pious of English kings. While the barons could defend themselves against any oppression that their unwarlike king might timidly venture—a contemporary song well depicts, in coarse and ribald phrases, the contempt with which the lay magnates viewed their sovereign lord—Matthew

[1] *Ibid., op. cit.*, pp. 265–73, 278–9.

Paris was not far wrong when he bemoaned the defencelessness of the Church and likened it to 'the vineyard whose hedges were broken down, so that all who passed by might pluck the grapes thereof'. This king who owed his throne to the protection of the Church, who feared the pope's ban more than anything else which might befall him, whose eagerness to attend mass had once driven even St. Louis to protest, and to whose piety we owe much of the beauty of Westminster Abbey, was nevertheless almost as great an oppressor of the clergy as William the Red, or the tyrant John. This is no place to recount all that the Church suffered at Henry's hands, but two things stand out among all the rest: his mean persecution of such cathedral chapters as dared to resist his frequent interventions in episcopal elections, and his bargain with the pope whereby, to help him to pay the cost of establishing his son Edmund on the Sicilian throne, Innocent IV granted him, without any consultation with the English clergy, a tenth of their revenues for three successive years, to be extended subsequently by Alexander IV for two more years, again without any consultation. The degrading and even at times ludicrous wrangles into which Henry's interference in elections dragged the Church, and the endless negotiations—as fruitless as they were protracted—between the king and the clergy in consequence of the Sicilian tenth, further embittered by the steadily increasing aggressiveness of local government officials against clerical privilege and immunity, had slowly brought the clergy, by the end of 1257, to a point at which it seemed that nothing could prevent a great clash between Church and State, similar to those associated with the names of Anselm, Becket, Langton and Rich, or later, with those of Peckham and Winchelsea.[1]

But, for two great reasons, this did not happen. In the first place Henry's interference with elections had meant that more than a third of the episcopal bench was occupied by his nominees,[2] and most important of all, that the archbishop of Canterbury was Boniface of Savoy, Queen Eleanor's uncle, a Provençal prince-prelate of a type unfamiliar to thirteenth-century England, and thoroughly uncongenial and unsympathetic to much of the atmosphere of the English Church. While it would be totally wrong to see him only through the unfriendly eyes of Matthew Paris, or to think of him merely

[1] For a general account of the development of relations between Henry III and the clergy, and of their influence on the crisis of 1258, see Treharne, *op. cit.*, pp. 56–63.

[2] *Ibid.*, pp. 57–8; see M. Gibbs and J. Lang, *Bishops and reform* (Oxford, 1934), especially pt. ii.

as a tool of royal domination over the Church—for he had, in course of time, not infrequently defeated some of the king's more scandalous encroachments—it is nevertheless true that Boniface was always regarded as, and probably felt himself to be, a leading member of the court circle, an alien even after nearly twenty years as primate of all England, and one who, in any quarrel between the king and the barons, was bound to side with his nephew and not to emulate Langton or Edmund Rich by speaking for England. He had shown himself a firm and vigorous reformer of Church organisation and discipline, and a tenacious and skilful defender of the rights, privileges and immunities of the Church,[1] and, in a most difficult position, he had, by the end of 1257, at last seemed ready to lead the Church in extreme measures of defiance of royal aggression. But we note, in sifting the interminable lists of grievances which he asked the Church to accept as 'matters on which there could be no compromise without peril to souls', that they are without exception points of clerical privilege, and that nowhere in them is there a breath of the spirit of Anselm or of Langton, speaking in the name of the nation on the grievances of the whole people.[2] It was this selfish separatism, the unforeseen harvest of the Hildebrandine sowing and of the magnificent flowering-time of the Church under Innocent III, fostered and cultivated by Boniface's narrow pride, that had isolated the English clergy from their natural allies, the barons: however much Boniface might be prepared to defy the king, so long as he was primate, the English Church would not be allowed to repeat the great-hearted defence of the common good of other days. Not that Boniface must bear the sole blame for this; the spirit of the times, the growing separatism of all the clergy all over Europe, and the corresponding increase of secularism and anti-clericalism among the laity, had taken effect in England, and the English clergy as a whole must bear their share of the blame: the days of Anselm and of Langton seemed gone for ever. In any case, the second great reason which prevented the clergy from engaging the king in total warfare was papal policy: the crude statement repeated so often by Matthew Paris and his fellow-chroniclers, that since 1250 pope and king had combined to plunder the English Church, was, despite its crudity, fundamentally true, and the unworthy politicians who sat on the throne which the magnificence of Innocent III had once made resplendent, were too

[1] Treharne, *op. cit.*, p. 58.

[2] *Ibid.*, pp. 61–2; cf. *Annales monasterii de Burton* (edit. H. R. Luard, *Annales monastici*, vol. i), pp. 411–22.

intent on exploiting the political advantages of this alliance to permit the seething indignation of the English clergy to break into open revolt against the Papal vassal, ally and dupe, Henry III. When even Grosseteste held that rebellion was as the sin of witchcraft, how could the English clergy, whom their archbishop refused to lead in the obvious path of resistance in a national cause, join forces with the barons in opposing their king, over whom the pope himself had cast his mantle? We need not wonder that the Church in 1258 played so ignominious a part in the first stages of the movement of reform, and in this fact there is much that is of the deepest significance in the history of medieval civilisation.[1]

But it was not always to be so, for within five years of the Parliament of Oxford, the spirit of Anselm and of Langton once more spoke in the English Church and the English clergy played again the part that Englishmen expected of them. That spirit had never been far below the surface, however much the pope might seek to destroy it, and Boniface of Savoy to divert it to the barren fields of clerical privilege and vested interest. The Church of Grosseteste and of Walter Cantilupe, of Adam Marsh and of Roger Bacon was not devoid of patriotism, righteousness or love of liberty, nor was one of the greatest periods in the history of Oxford to go unreflected in the life of the nation. Grosseteste's view of the part to be played by the English Church in national affairs is clear and unmistakable; dutiful though he always was towards the papacy, and fervently as he believed in the unity of the Catholic Church, he was bound by his whole philosophy and nature to the view which Lanfranc, Anselm, Theobald, Langton and Rich had held, that the Church was the conscience and the spirit of the nation, and that the clergy, and especially the bishops, must be the mouthpiece of that conscience. While he was as firm a defender as Boniface himself of the privileges and immunities of the Church, and was not prepared to yield an inch to royal aggression, he took the broad view of the Church's responsibility: the whole nation was his parish, and he and his brethren were bound to uphold right and to castigate wrong wheresoever they found it, and in whatsoever form. The king's attacks on the Church were only a particular form of the injustice which, to Grosseteste, was the hallmark of all secular power which was not constantly directed by the divine will through the medium of the Church. To him, this injustice must be fought in all of its manifestations, whether it showed itself in infringement of Church rights, and persecution of recalcitrant chapters,

[1] Treharne, *op. cit.*, pp. 65–6.

or in breaches of Magna Carta, arbitrary and unjust behaviour by the king or his officials towards any of the king's subjects, clerk or lay, or in unjust financial impositions, the appointment of unsuitable men to the great offices of state, or in the king's acceptance of unworthy advice from upstarts who were not chosen from among the natural counsellors of the crown, namely, the prelates and barons of England. With these views, in which politics is simply a branch of ethics, a subsection of religion, Grosseteste had sought constantly during the exile of Edmund Rich and the absence of Boniface of Savoy to integrate the ecclesiastical and the baronial opposition to Henry III, in whom he quickly discerned all the faults of a tyrant who lacked the force though not the will to be absolute.[1] Under Grosseteste's inspiring leadership, between 1237 and 1243, barons and clergy together frequently opposed the king in his more unreasonable demands and unjust acts; their action had often been united and so had often been at least partly successful. Nor was it merely negative opposition. Grosseteste had always sought to exploit the moment's evil for the lasting good, and to take advantage of the king's difficulties to force upon him reforms which would greatly improve the government of England. Nowhere is this more clearly seen than in the crisis of 1244, when Grosseteste's political influence reached its apex, and when, under his far-seeing leadership, the prelates and barons together almost succeeded in forcing on Henry a plan of reform which, in almost all essentials, foreshadowed the plan of 1258. Not enough is known of the inner history of this episode, but Grosseteste's plan is clear: elaborated and sponsored by an elected committee of four prelates, four earls, and four barons, it provided that the king should swear to accept the advice of a privy council named by the great council, that all important officials should be nominated by this great council, and should be responsible, on oath, to the king and privy council jointly, while the privy council was to investigate and redress all individual grievances, and to prepare for proclamation a revised edition of Magna Carta.[2] If, as seems probable, this proposal was Grosseteste's contribution to the political ideas of the baronial opposition, he had brought the barons far beyond any point ever reached by them before, and had drastically

[1] For a detailed discussion of Grosseteste's political views and activities, see F. S. Stevenson, *Robert Grosseteste* (London, 1899), especially ch. viii, ix, xi, xii, xiii, xiv, and xv; also A. L. Smith, *Church and State in the Middle Ages* (Oxford, 1913), lecture iii.

[2] See especially W. Stubbs, *Constitutional history of England* (Oxford, 1906, 4th edn.), ii. pp. 62–5; also Treharne, *op. cit.*, pp. 53–4.

altered their political outlook, bringing it forward from an essentially negative and critical standpoint to one which showed that they were willing at last to assume direct responsibility for the policy and administration of the government. But by this time, Boniface of Savoy had at last come to England to take up the primacy to which he had been elected in 1240, and it may not be altogether too fanciful, in view of later developments, to suggest that he was responsible for the unexplained collapse of the united opposition in 1244, and for the manner in which Henry was able to deal with the clergy and barons separately, in spite of Grosseteste's exhortations to unity. From that moment, Grosseteste's influence in politics was sharply cut down ; the primate assumed his rightful leadership, and the path of the clergy in English politics diverged rapidly from the line indicated by Grosseteste. It led straight to isolation and impotence, once the king had come to an understanding with the papacy. Henceforth barons and clergy go their separate ways for as long as Boniface guides the policy of the Church : the clergy may be forced into the sharpest opposition to the king, but they are not allowed to join forces with the barons, who, for their part, show no desire to help the clergy and little sympathy with their unhappy fate. Although from 1252 to the end of 1257 the Sicilian tenth was the dominant theme in English politics, apparently leading slowly but inevitably to a final breach between king and clergy, and although the most solemn words of warning were vainly spoken against the king in the Lambeth convocation of 1257, when at last the crisis broke in March 1258, the clergy simply dropped out of the picture altogether, and did not, save for a single important occasion in the summer of 1260,[1] enter it again until Boniface had fled into exile before the rising violence of the revolution in June 1263, and the leadership of the English Church had once more fallen into English hands.

Grosseteste had now been dead for ten years, but his mantle had fallen on his friend and ally, Walter Cantilupe, bishop of Worcester, a sturdy and fearless critic of the king in earlier days ; and now, endowed with the wisdom and moderation which age had added to his innate boldness and honesty, Cantilupe led the clergy back to the path which Grosseteste had exhorted them to tread. Himself of high baronial stock, and full of the dignity of his office, he led the English clergy as Grosseteste might have led them had he lived, with independence and firm courage, keeping always in mind his duty as a Christian pastor and the common good of the whole

[1] Treharne, *op. cit.*, pp. 238–41.

nation. Where the sympathies of the English clergy had lain during the first five years of the revolution we can readily see. Thanks to Boniface, they might not find expression in political action, but with the single exception of Thomas Wykes the monastic chroniclers of the time were solidly on the side of reform, even though their pages often show a full realisation that their own houses had suffered some damage to their material interests in the application of the reformers' plans. Individual prelates had co-operated with the barons in the tasks of reform, and if, out of the three bishops nominated to the council and the parliamentary committee, Boniface was obviously the king's man, while Fulk Basset, bishop of London, seems to have disappointed the reformers in the few remaining months of his life,[1] Walter Cantilupe clearly offered whole-hearted co-operation and helped in several important special tasks, without, however, foreshadowing the eminence to which he was later to rise. The feeling of the clergy came out more clearly in the summer of 1260 when Henry III sought to ruin Simon de Montfort by formally charging him before the great council with treason on account of his activities in the plan of reform. The council decided to hand over the investigation of the charges to six bishops—Canterbury, Worcester, London, Lincoln, Norwich and Exeter—and the detailed record of their examination, reporting verbatim Henry's charges and Simon's replies, is one of the most vivid and revealing of the several important council memoranda of the period. The report led to Simon's total acquittal, which is all the more significant because Simon's defence was largely a repeated insistence that the specific actions of which the king accused him, were in full accordance with the Provisions of Oxford, and were in fact merely the application of the Provisions; that the bishops acquitted him on this defence is a clear indication of their views.[2] What support Cantilupe could claim from his fellow prelates when in September 1261 he took the bold step of associating his name with those of Leicester and Gloucester in writs summoning the knights to a parliament held in defiance of the king,[3] we can only guess.

But with the revival of the reform party in June 1263, and the flight of Boniface and other alien clergy from England[4] Cantilupe assumed the place for which nature and life had prepared him—the leadership of the English clergy in a time

[1] Matthew Paris, *Chronica majora* (edit. H. R. Luard, Rolls Series), v. 705, 747.
[2] Treharne, *op. cit.*, pp. 238–41.
[3] *Ibid.*, pp. 266–7.
[4] *Ibid.*, pp. 305 sq.

of high crisis when the clergy were called to support the cause of the whole nation against pope, king and archbishop. It was a leadership charged with the deadliest of peril to any faithful son of the Church, but Grosseteste would not have hesitated to assume it, nor did Walter Cantilupe. From that moment to the end, the English clergy as a whole were ranged on Simon's side; they undertook full moral responsibility for the general support which they gave him, they voted money, and they even preached in his cause; their leaders shared in the work of government and negotiation. Cantilupe himself was Simon's closest and most reliable ally throughout, ever ready with advice and help, and sharing more than any other man the burden of responsibility with him. If he did not assume Langton's place, it was because, in these two years, Simon himself was the living embodiment of the cause of reform, and Cantilupe's part was necessarily second to that of the great earl; but throughout that time of alternating hope, triumph and disaster, Cantilupe was Simon's closest adherent and counsellor, and when the inescapable certainty of defeat and death closed in on Simon on the field of Evesham, it was fitting that Walter's hand should give the earl the last blessing that the Church could bestow.[1] A better fate had overtaken Simon than seemed in store for Walter when the day ended. Walter had stood with those who had dared to lift their hands against God's anointed; he had shared their labours and endorsed their cause with his whole heart; he had defied the pope's ban on the Provisions of Oxford, had ignored his orders, and had thereby incurred his sentence of excommunication; he had done what no English prelate had ever done before him, for he had appealed from the pope to a general council of the whole Church.[2] He had done much to thwart one of the dearest projects of the papacy, the Sicilian enterprise, and of all the clergy of England, he was the head and forefront of offence. Small wonder that some of his contemporaries felt that he was fortunate to die before the full weight of the pope's displeasure overwhelmed him.[3]

How far he had the support of the clergy it is not easy to say with confidence. The bishops of Durham, Ely, Chichester, Lincoln, London, Exeter and Winchester gave Simon their full collaboration,[4] while, apart from the exiled aliens, Walter

[1] Prothero, *op. cit.*, p. 342.

[2] *Annales de Dunstaplia* (*Annales Monastici*, edit. H. R. Luard, vol. iii.), 234.

[3] E.g. Wykes, *op. cit.*, p. 180.

[4] Cf. Bémont, *op. cit.*, p. 248, n. 1, where these bishops and several abbots are named as active supporters of the earl.

Giffard of Bath and Wells was the only bishop who proved actively hostile to Simon's rule.[1] What degree of active support was forthcoming from the monasteries we cannot tell, but it is significant that while Wykes was the only royalist monastic writer, even in his house, Osney, the official chronicler was Montfortian. We know that Henry, on several occasions, denounced clergy and friars who preached in favour of Simon or of the Provisions,[2] while the legate, after Evesham, reserved their cases for papal consideration.[3] It is well known that the Oxford scholars were so exuberantly Montfortian that when in 1264 Henry took up his headquarters at Oxford, one of his first acts was to expel the university [4]; while it is generally thought that the Franciscans in particular—Grosseteste's beloved order—were very active in Simon's support, and that *The Song of Lewes* probably represents a considerable body of Franciscan opinion.[5] Monks and friars, so often at cross purposes, were at one in writing hymns in memory of Simon, in composing special masses in his honour, and in compiling accounts of his miracles.[6] But generalisation must be discriminating: it is probable that while some of the bishops strongly supported the earl, and while university opinion was actively in his favour, most of the clergy, even though they probably sympathised with Simon's cause, felt called upon to give tacit support only, and never became active partisans. In general, it seems clear that the English clergy responded with sympathy and often with active help to Cantilupe's lead, but it required a revolution and the exile of the primate to achieve this result, and even so the clergy could not have dared to follow Cantilupe had not the victorious barons interposed their worldly power to shield their clerical allies from the dread consequences of the pope's displeasure. The clergy's part in the whole episode is profoundly significant of the conflicting tendencies of clerical separatism and national feeling.

But the revolution is, after all, known to history as the 'Barons' War', and rightly so, for the baronial class conceived, undertook and sought to complete the task of reform: without the barons, there would have been no reform movement at all. This is one of the most significant facts in the whole movement,

[1] Wykes, *op. cit.*, p. 164.

[2] Examples of such advocacy occur in the unpublished rolls of the Justices *de terris datis et occupatis*, compiled in execution of the Dictum of Kenilworth.

[3] Wykes, *op. cit.*, pp. 185–7.

[4] *Foedera*, I. i. 435; Rishanger, *op. cit.*, p. 22.

[5] See especially C. L. Kingsford, *The Song of Lewes* (Oxford, 1890), xviii–xxv.

[6] *Miracula Simonis de Montfort* (Camden Soc.).

that the English baronage, so conservative and unwilling to assume political responsibility in 1215, and so incompetent and uninspired in the troubled times of Edward II, was in 1258 almost completely unanimous in support of a revolutionary political programme which placed on their shoulders the responsibility for the conduct of the policy and administration of the English State. Moreover, in the ensuing eighteen months of power, they showed the resolution and the capacity to bring their promises to fulfilment, and the imagination to develop the original plan of reform along generous lines towards a goal which could hardly have been foreseen at the outset. This is indeed a remarkable advance from the position of 1215. The experience of the baronage in the necessary and inevitable sharing of responsibility with the government during the minority of Henry III, the drastic lesson of the Poitevin conspiracy of 1232–4, and the noble leadership of Archbishop Rich in overthrowing that premature effort at bureaucratic absolutism, together with the mortifying experience of living under Henry's personal rule in the years that followed, had made the barons able to understand Grosseteste's ideal, even though they were slow to act on it. After the failure of 1244, it needed fourteen more years of barren wrangling, and the crisis of March 1258, when a papal ultimatum forced Henry to throw himself on to the mercy of his barons, to screw them to the point of decisive action.[1] But when at last they took the plunge, their decision had all the resolution and depth which the crisis exacted. They compelled the king to accept a nominated privy council, and to swear to act on its advice, and not otherwise, in all matters of government; they appointed their own nominees to all the great offices of state, and brought every official, from the highest to the lowest, under the control of the privy council, by an oath of good conduct, and by the principle of annual review and reappointment; they issued measures altering some of the methods by which the central machinery operated, in order to bring it more effectively under control, and they promised future reforms in both central and local government machinery and personnel.[2] In these constitutional clauses of the Provisions of Oxford the barons, through the council of fifteen, assumed complete responsibility for government, and reduced the king to the position of a figure-head with no independent power in national affairs. England was to be a limited monarchy with

[1] For a general survey of this aspect of relations between the king and the barons, see Treharne, *op. cit.*, pp. 33–7, 47–56.

[2] *Ibid.*, ch. ii. and iii.

a written constitution, and to safeguard this revolutionary position the barons compelled the king to surrender the principal royal castles to keepers chosen by the privy council, and expelled those aliens who could not be trusted to observe the new order. As long as the privy council held unchallenged power, it ruled in this spirit; every order and every action of government issued from the council.[1] The one attempt which the king made, in the summer of 1259, to act independently, in securing the admission to England of the papal nuncio Velascus, had to be made by forging letters purporting to have the council's consent, and its discovery led to a minor crisis, with dismissal and censure of at least one of the officials concerned, and a sharp setback to the king's secret intrigues.[2] The complaints which the king made against the council early in 1261 show how completely the council had taken upon itself the government of England; it sat apart from the king for its deliberations, and decided matters in secret without his presence; it ignored his proposals, merely replying, 'Nous volons qe issi soit', giving no reasons to soften the rebuff; it removed officers whom he had expressly asked should be retained; in short, it behaved 'comme meme regnast le conseil'. The council, while denying discourtesy and neglect, and while declaring that it always gave full consideration to the wishes of its lord the king, frankly accepted the fundamental truth of the king's statement that the council decided all issues, and replied that this was the meaning of the Provisions of Oxford.[3] The king reigned: the council ruled.

To what end did the council rule? The revolutionary nature of the constitutional changes is not in itself an indication of the aims of the baronage; and, in fact, the Provisions of Oxford have often been represented as a device to concentrate power into the hands of a small baronial clique, under pretence of reforming the state of the realm. There is no substance in this contention. The council of fifteen was small, but it was not a clique: two of its members were the archbishop of Canterbury and the bishop of Worcester, a third was the king's most influential clerk John Mansel, and though the remaining twelve were all barons, they were in no sense a clique, party or faction, but were simply twelve of the most important earls and barons in England, and no amount of ingenuity can show them to have been attached to any one interest or faction, whether Montfort's, Gloucester's or any other. As yet, the barons were not split into factions, and

[1] Treharne, *op. cit.*, ch. iii., iv., v., viii., *passim*.
[2] *Ibid.*, pp. 143–4.
[3] *Ibid.*, pp. 253–6, 344–7.

the whole essence of the position in the Hoketide Parliament of London, and in the Parliament of Oxford, was the complete unanimity of the English baronage. The oath which the community of the barons swore at Oxford is the foundation of the whole scheme of government under the Provisions, and it is a trumpet blast of unity in face of a great and challenging task, the reform of the state of the realm. The council of fifteen represented, not any faction or group, but the unity of the entire baronage.[1] Even so, the fifteen might, in course of time, by the very sense of responsibility and power which was laid upon them, have developed into an oligarchy, monopolising power. This, too, the barons seem to have foreseen and provided against. The parliamentary committee of twelve, acting in the name of the entire baronage, was to meet the council of fifteen in three fixed parliaments every year, and on other occasions as need might arise, to review the work of each successive period, and to discuss and approve whatever proposals the council might have prepared in the interval, for the fulfilment of the promise to reform the state of the realm. These fixed parliaments were a reality and not merely a device to mask oligarchy by a sham; in them the most important decisions were taken, after very full and frank discussion, the council's careful work of preparation being treated as a report from a committee, to be debated, amended as need might be, and adopted only when it was clear that no further changes were desired by the whole body.[2] The fixed parliaments were full-dress debates, which might give rise to disruptive quarrels, as when Simon de Montfort and Richard de Clare in the February Parliament of 1259 almost came to blows in the dispute on the *Ordinationes Magnatum*, whereby the magnates finally undertook to apply to their own bailiffs, stewards, and other officials the regulations which in the previous October they had made binding on the king's sheriffs.[3] Again, it was in the October Parliament of 1259 that the famous incident of the *communitas bacheleriae Angliae* took place, when Gloucester and the reactionaries were overawed by the alliance of Edward and the 'bachelors' with the party of reform.[4] It was in the parliaments that the three great instalments of the plan of reform were promulgated—the Ordinance of Sheriffs in the October Parliament of 1258,[5] the *Ordinationes Magnatum* in the February Parliament of 1259,[6]

[1] For a full discussion of this matter, see Treharne, *op. cit.*, pp. 83–9, 100–1.
[2] *Ibid.*, pp. 86–9, 117–18, 131–2, 133–5, 137, 158–60.
[3] *Ibid.*, pp. 137–41.
[4] *Ibid.*, pp. 160–4.
[5] *Ibid.*, pp. 119–21.
[6] *Ibid.*, pp. 137–41.

and, greatest of all, and only after the keenest debate—with a real danger of defeat—the Provisions and Establishments of Westminster in the Michaelmas Parliament of 1259.[1] And it should be noted that although the parliamentary committee of twelve was devised 'to spare the cost of the community' of barons, by ensuring that certain appointed persons, with power to act in the name of the community, should be bound to attend at the stated times, to review and to ratify the work of the council, there was no attempt to prevent other barons from being present at the fixed parliaments, and, in fact, the parliaments were probably all attended by large numbers of magnates.[2] There is no evidence whatever in the period of the rule of the provisional government, that oligarchical rule by a baronial clique was either intended or seriously threatened.

It has sometimes been said that the barons showed a narrow selfishness in not including knights in the council or in the parliamentary committee, or in not providing that they should be summoned to the fixed parliaments. This criticism overlooks the circumstances of the moment, and is insensitive to the atmosphere of the period. While there can be no doubt that the knights had a contribution of vital importance to make to the plan of reform, it is most improbable that at the Parliament of Oxford either of the measures suggested by some modern critics would have occurred to those who drafted the Provisions, or to the knights themselves. The reformers, a body of great barons with a little episcopal support, had undertaken to reform the realm because the king had brought it to the brink of ruin and was incompetent to lead it back to safety: it was their task, and while both their declarations and their deeds proved that they were anxious to use support wherever they could find it, their ideas had not yet developed to the point of proposing to make the knights an essential part of parliament. This conception might well have developed in the later stages of the reform movement, when Simon de Montfort, having been deserted by a large part of the baronage, turned increasingly to the knights, whose co-operation in local government had been so essential a part of the plan of reform, and whose presence in parliament might balance the loss of the barons. He summoned them to the abortive parliament of St. Albans in September 1261,[3] and again to the parliaments of June 1264[4] and January 1265,[5] and it may well be, that,

[1] *Ibid.*, pp. 157–212.

[2] *Ibid.*, pp. 118, 162–3. This view depends on general statements, in both chronicles and records, that 'large numbers' of magnates, or that 'all the magnates' were present.

[3] *Ibid.*, pp. 266–7. [4] Stubbs, *Charters*, p. 400. [5] *Ibid.*, pp. 403–4.

had his administration survived, finding himself relying on the knights with increasing frequency, he would eventually have come to regard them as an essential part of his parliaments. But there is no evidence to show that he proposed to summon them to the parliament of June 1265,[1] and we cannot assert that, even at the end, Simon's political ideas had developed to the point of including the knights as a regular and essential part of parliament. Nor had anyone else in 1258 reached that point: there is no suggestion that the knights wished to be summoned regularly to parliament or that they thought they should be so summoned. Further, when we recall that in the Provisions of Oxford it was felt necessary 'to spare the cost of the community' of the barons themselves,[2] and that even after the parliament of January 1265, Simon clearly felt some embarrassment in issuing writs *de expensis* to the knights who had attended, lest the constituencies should feel themselves unjustifiably burdened by the charge,[3] we can fairly assume that no body of opinion in England in 1258 had yet reached the point of regarding the knights as a necessary part of parliament. It required the many precedents of Edward I's long reign and of the troubled times of Edward II to bring this conception of parliament into existence; it never became an issue during the reign of Henry III, and it is highly significant that no contemporary chronicler ever mentioned the presence of the knights in the parliaments of 1265, or their absence from other parliaments of the period.

At the same time it must be pointed out that nothing in the Provisions of Oxford, or in anything that the reformers enacted thereafter, in any way prevented or hindered the summoning of knights to parliament. After June 1258 as before, the council could be afforced by the summoning of knights as the king thought fit, the only difference being that, after the Provisions, the council, not the king, would in fact decide when it was necessary to call them. While we must admit that the conception of making the knights an integral part of parliament was outside the political climate of 1258, we have no grounds whatever for asserting that the magnates excluded, or desired to exclude, the knights from parliament; their liability to summons remained unchanged by the Provisions of Oxford, and in fact the plan of reform increased the probability that they would be summoned. Four knights were summoned from every shire to Westminster for the

[1] Stubbs, *Charters*, pp. 406–7.
[2] *Ibid.*, p. 383.
[3] Pasquet, *op. cit.*, pp. 58–9.

October Parliament of 1258,[1] though probably not as members of the parliament, but rather to report, as commissioners for the enquiry into grievances in their shires, on the work which they had done; they come again at the October Parliament of 1259, not as members, but to attend the exchequer and to choose one of themselves to act as sheriff for the new fiscal year.[2] Whether the council took the opportunities thus offered to consult the knights for other purposes, and, if they did so, whether they consulted them collectively or otherwise, we can only guess. But the point remains clear; the council could summon the knights to participate in parliament at need, and Simon de Montfort subsequently did so; the reformers had no desire to exclude them from parliament. As for the alternative suggestion, that one or two knights might have been added to the council, we can only say that it lacks all sense of reality. The reformers needed as strong a council as possible, and so selected the most powerful men they could find; to have added one or two knights, or even three or four, would have been absurd in the conditions of 1258; and, in any case, where were the reformers to find knights who could or would devote the whole of their time to attending the council in its continual work on the plan of reform? Such a suggestion is far from the realities of 1258.

That the direction of the plan of reform was reserved entirely to the barons in 1258 is not disputed; but the plan itself and the work of the provisional government between June 1258 and January 1260 prove abundantly the magnanimity of the baronial ideal and the sincerity of their aims. I have elaborated in detail elsewhere the evidence on which I base this judgment[3]; here a summary of the outstanding achievements must suffice. Essentially a constitutional document setting up a limited monarchy, and transferring the control of government to a privy council appointed by the great council, the Provisions of Oxford were simply a means to an end. That end was 'the reform of the state of the realm' and it was a task which the reformers envisaged unselfishly. In all their enactments and administrative reforms, there are few things which they sought to profit the baronial class alone, and in none of those few things can it be said that their gain was the loss of any class below them, or was unjustly sought. Once they had seized power, their two most important aims

[1] Treharne, *op. cit.*, p. 115, n. 3; H. M. Cam, 'The parliamentary writs *de expensis* of 1258', *Eng. Hist. Rev.*, xlvi. 630–2.

[2] Treharne, *op. cit.*, pp. 205–9.

[3] *The baronial plan of reform, 1258–63.* This is the principal conclusion of the book.

were the reform of the methods and personnel of local government, and the removal of obsolete or unfair laws and practices. In both of these aims they not merely sought no exclusive advantage for their own class, but actually carried measures which meant a great curtailment of their own jurisdictions and legal rights, and a drastic limitation on their own freedom of administrative action within their franchises; and their loss was the gain of their tenants, and especially of the knights. The Ordinance of Sheriffs of October 1258, regulating the duties and conduct of the sheriffs and their subordinates, deserves to be called the Magna Carta of local government, for its application greatly diminished, in many practical ways, the opportunities for petty tyranny previously exploited by the local agents of the crown. This ordinance, accompanied by the dismissal of almost all of the sheriffs, and their replacement by local knights sworn to obey the ordinance, together with the publication of the ordinance in Latin, French and English in every county court, underlined the council's determination to enforce a new standard in local government: the provision to replace the sheriffs annually, and to give the justiciar the duty of reviewing the behaviour of the sheriffs at the end of each year, afforded the means of enforcement.[1] But even that was not enough for the reformers; in the Establishments of Westminster they provided that every county court should elect four knights to come to the exchequer each Michaelmas, there to select one of themselves, with the approval of the exchequer barons, to be sheriff for the ensuing year.[2] Further, to secure a still more immediate check upon the sheriff's activities, they decreed that the commission of four knights, appointed in each county in 1258 for the enquiry into grievances, should now be made permanent, and should be charged with the special duty of receiving all complaints against the sheriff and his bailiffs, and of reporting them to the justiciar annually, after giving the sheriff an opportunity of making amends to the plaintiffs.[3] When in 1264, Simon de Montfort allowed sheriffs to be elected directly in the counties of Cumberland and Hereford, without exchequer intervention,[4] the process of local control had gone as far as was possible along that line. But the reformers would have been insincere had they stopped at the sheriffs and other local officers of the crown, and at the next parliament after the Ordinance of Sheriffs, they brought forward the *Ordinationes Magnatum* of February 1259, which

[1] *The baronial plan of reform, 1258–63*, pp. 119–21.
[2] *Ibid.*, pp. 182–5, 204–9.
[3] *Ibid.*, pp. 185–9.
[4] *Calendar of patent rolls, 1258–66*, p. 328.

undertook, in the most explicit language possible, that the magnates would apply to their stewards, bailiffs and other officers all of the regulations of the Ordinance of Sheriffs. It was not easy to secure the adoption of the measure, and a sharp quarrel between Montfort and Clare gave warning of the growing cleavage; but the reformers won the day,[1] and during the following months the justiciar dealt with charges against the bailiffs of the magnates just as readily as with cases against the king's officials.

In legal reforms too, the reformers set themselves the same high standard. From the edict regulating the exercise of the royal rights of pre-emption,[2] issued as soon as they had taken office, to the Provisions of Westminster, which marked the close of their legislative achievements, their legal reforms are framed with the single object of making the laws more just both to individuals and classes.[3] Obsolete and oppressive laws are abolished, procedure made quicker and more just, and the class which benefits most from the changes is not the barons but the knights. How valuable were these reforms is shown most clearly by their re-enactment, by the victorious royalists themselves, as the Statute of Marlborough.[4] In its administrative and legal details, the plan of reform, measured by the standard of the Ordinance of Sheriffs, the *Ordinationes Magnatum* and the Provisions and Establishments of Westminster, is almost as much superior to Magna Carta, in unselfishness of outlook, as the constitutional clauses of the Provisions of Oxford are superior to the famous 'sanctions' clause of 1215.

The same ideal animates both the promise and the performance of the enquiry into the grievances of individuals against administrative officials[5]; as justiciar, Hugh Bigod worked hard and sincerely to redeem that promise, and by the development of the *querela*, the simplest of all possible forms of procedure for such complaints, and by his full exercise of the royal power to override all privileges and liberties, and to change local custom as equity decreed, he won for himself and his court a reputation of strict and mighty justice, and for the council and the reformers, popular acclamation and great praise.[6] Even so, to the reformers it seemed that his work had merely shown how much more remained to be done if their promise was to be redeemed, and so, in the Establishments of Westminster, they multiplied his activities sevenfold, sending out seven commissions of justices on simultaneous

[1] Treharne, *op. cit.*, pp. 137–40.
[2] *Ibid.*, p. 108.
[3] *Ibid.*, pp. 133–7, 157–78.
[4] *Ibid.*, p. 169.
[5] *Ibid.*, pp. 99–100, 108–11.
[6] *Ibid.*, pp. 111–16, 139, 145–56.

circuits to complete quickly the task which he had so well begun. They also provided that on each circuit one of the council and one of the twelve should sit with the professional judge, to associate the magnates as directly as possible with the redemption of the promise made at Oxford in June 1258.[1] To these broad statements of evidence a mass of amplifying and corroborating detail can be added: the whole machinery was worked in the same spirit of desire to serve the common good.[2] Of the sincerity of the reformers of 1258 there can be no further doubt: in the chequered history of the baronage of medieval England, theirs was the greatest and the noblest hour.

Why, then, did their movement fail? It was not for lack of competence. Short though their day of power was, the reformers displayed a remarkable sense of the realities of thirteenth-century politics and administration. Their intelligent use of committees to investigate problems great and small, and to report to the parent body [3]; their full and elaborate discussions and drafts of the successive stages of legislative reform [4]; their effective co-operation with and use of the expert knowledge of the king's bureaucracy [5]; their sensible procedure for nominating the council and the great officials [6]; their fiscal devices to pay off the king's debts,[7] and many other instances, might be cited to show that their executive capacity and their understanding of the art of government were unusually high. In his complaints of 1261, the king accused them of incompetence and of inadequate control over their officials, but the council's replies meet his charges squarely, and such evidence as the short period of the council's rule can afford does not bear out the king's charges.[8] Their administration down to January 1260 was not unworthy of the standard which they had set themselves at Oxford.

The failure came, not from incapacity, but from internal division and betrayal. The baronage of 1258 was a small body of men, perhaps a hundred and fifty all told, who knew each other well, and whose co-operation was a matter of personal and individual feeling for a cause shared with friends and acquaintances. This, at least, was the mood of the Parliament of Oxford and of the oath of the 'community', and without this sentiment the plan of reform could not have been launched or carried out.[9] But by February 1259

[1] Treharne, *op. cit.*, pp. 179–80, 185–6, 196–204.
[2] *Ibid.*, especially ch. iv., v., viii.
[3] *Ibid.*, pp. 67–70, 72–6, 86–8, 97, 179–83, 374–5.
[4] *Ibid.*, pp. 133–7, 158–69.
[5] *Ibid.*, pp. 111, 134.
[6] *Ibid.*, pp. 74, 374–5.
[7] *Ibid.*, pp. 96–7, 181–2, 369–72.
[8] *Ibid.*, ch. viii.
[9] *Ibid.*, pp. 66, 87–9, 100–1, 220.

this unity had already disappeared.[1] We need not charge Gloucester and his friends, the reactionaries of 1259–60, and the destroyers of the cause of reform,[2] with hypocrisy in their original undertaking: doubtless they were sincere enough at Oxford, when the limitation of royal power and control of royal policy seemed to be the principal aim of the plan of reform, while the more fundamental changes remained vague and undefined. But as the plan developed, and its legal and administrative aspects became clear, there were some who could not swallow the loss of power and privilege which it entailed, particularly in its effects on seignorial administration and on the relation of lord and vassal.[3] Hence they began to oppose those aspects of the plan, and it may be here that Montfort made his greatest error. Hot-tempered and imperious, Simon flung tact to the winds and blazed out in furious indignation against the 'traitors and perjurers' whose selfish apprehensions threatened to destroy the plan of reform and to render the entire baronage forsworn.[4] What provocation he had suffered in the debate we shall never know; yet we cannot but wonder whether, had he shown tact, and continued to use his quick perception and his eloquent speech to persuade his opponents, he might have avoided the shipwreck of his ideals. It is pure conjecture, for it may equally well be that Gloucester and his friends were fundamentally opposed to the new developments of the reformers' plans, and could never have been persuaded to adopt them willingly. Whatever the explanation, although the reformers gained the day in both of the great parliaments of 1259, the split became fatal early in 1260, and by the summer of that year Gloucester's party had enabled the king to cripple the provisional government, and a year later, to destroy the entire plan of reform.[5] Gloucester's speedy reconciliation with Simon in August 1261, when Henry declared the Provisions of Oxford wholly invalid,[6] shows that he had not desired to annul the Provisions entirely, and that the king had used and duped him: but he and Simon, whether from incompatible temperament or from a more fundamental disagreement of ideas, could not for long work together, and a second quarrel soon gave the victory to the king.[7] From that moment Simon could never rally more than a minority of the barons to his ideals: his views were too radical for them, and those who were not actively against him were distracted by appeals to loyalty and tradition, and by the fear of the

[1] *Ibid.*, pp. 136–41. [2] *Ibid.*, pp. 136–41, 160–4, 213–79.
[3] *Ibid.*, pp. 136–41, 160–4. [4] *Ibid.*
[5] *Ibid.*, pp. 213–79. [6] *Ibid.*, pp. 261–71. [7] *Ibid.*, pp. 271–2.

unknown into which Simon was leading them. In the last resort, the baronage was not quite big enough to live up to the ideal which it had proclaimed, and vested class interests, combining with conservative fears of radical action, enabled the king and his friends to overthrow the ideal. But the ideal had been proclaimed, and the attempt had been made, and for a time had greatly succeeded, and even in its ultimate failure, Earl Simon and a number of the barons chose to die rather than to desert it. It failed, as revolutions of this kind, proceeding from a whole class, and not from a little clique of identically-minded fellow-conspirators, have often failed,—because those who had to carry it through were men with very common human faults. They could not all maintain for long enough the heat of the first enthusiasm, and some of them, less generous-minded than others, went away sorrowful, for they had great possessions. Yet, despite faults and failures, the plan was nobly conceived, and as long as the reformers kept the upper hand, nobly executed. It was inspired by the ideal that government is for the sake of the governed, and not for the sake of the government or of a privileged class. It declared that if the king cannot live up to the standard of government which his people expect, then the great men of the land must shoulder the burden, and must give their time, their energy and their intelligence to reform the state of the realm in the interests, not of themselves alone, but of the whole people. The setting up of this ideal, and the sincere, and, for a time, successful attempt to carry it out, are the greatest features in the significance of the first revolution in English history.

MEDIEVAL DEMOCRACY IN THE BRANDENBURG TOWNS AND ITS DEFEAT IN THE FIFTEENTH CENTURY

The Alexander Prize Essay

By F. L. Carsten, D.Phil.

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At the time of the so-called German colonisation to the east of the Elbe, German merchants and artisans entered the Brandenburg Mark, whose rivers, woods, and marshes stretched from the Old Mark to the west of the Elbe to the New Mark to the east of the Oder. The immigrants brought with them the economic methods and social organisation of their homeland. Town life, self-government, and trade quickly developed everywhere, whether the new town was established on an uninhabited site, or on the site of a Slavonic village which gave its name to the new settlement, or a walled town or fortress of the Slavs was transformed into a German town.[1]

The towns were directly under the margrave * and, either in their foundation charters or by later privileges, were granted far-reaching rights which made them virtually independent of any outside interference. The *locatores* entrusted with the foundation of a town became its hereditary mayors and exercised jurisdiction over the inhabitants and the municipal possessions outside the town, and received one-third of the proceeds of the town's court. Only when caught red-handed could burghers be tried outside their own town, and the *advocati* and other officials were forbidden to summon them before outside courts, or to interfere in any way with the jurisdiction of the town.[2] This privilege became one of the

* For list of margraves see Appendix.

[1] Of more than sixty towns of the Brandenburg Mark over fifty per cent. have Slavonic names, and over twenty-five per cent. were major settlements before the German immigration started, but they were merely fortified places, and not *civitates* in the German sense, with self-government, special laws and privileges, aldermen and gilds of artisans.

[2] Privileges as follows: Stendal, 1215; Prenzlau, 1305; Neu-Ruppin, 1315; Berlin and Cölln, Spandau, Frankfort, Landsberg, 1317; Brietzen, 1319; Wriezen, 1337; all towns of the New Mark, 1340 and 1344; Eberswalde and Bärwalde, 1350; Sandau, 1351; Straussberg, 1354; Alt-Landsberg, 1355; and many other towns: *Codex diplomaticus Brandenburgensis*, ed. A. F. Riedel (quoted as Riedel), xv, no. 5, p. 7; xxi, no. 22, pp. 104–5; iv, no. 4, p. 284; xii, no. 1, p. 350; xi, no. 32, p. 23; xviii, no. 9, p. 375; xxiii, no. 17, p. 14; ix, no. 11, p. 357; xii, no. 7, p. 417; xxiv, no. 55, p. 30, no. 62, p. 34; xii, no. 23, p. 296; xix, no. 34, p. 20; B ii, no. 951, p. 329; xii, no. 12, p. 74, no. 22, p. 498.

towns' most cherished rights and was confirmed to each of them by every new margrave. Several towns even acquired jurisdiction over knights and squires who committed a crime within their bounds.[1] Later on, many towns also received the highest jursidiction, i.e. the feudal overlordship over the mayor (an important right if his family died out) and the two-thirds of the proceeds of the jurisdiction which hitherto had gone to the margrave.[2] The margraves' castles, which had been built in or near the various towns and were a threat to their independence, were destroyed, and an assurance was given that they would not be re-built in the future.[3] After the death of Woldemar, the last Ascanian margrave, in 1319, the towns paid homage to the first Bavarian margrave, Lewis of Wittelsbach, whose father, as king of the Romans, had been able to secure Brandenburg for his house ; Lewis then had to promise them that he would, with their advice and help, raze all the castles erected since Margrave Woldemar's death to the ground [4] ; and the town of Prenzlau was granted the right to destroy all those fortifications within a radius of three miles round the town which had been constructed without the consent of the aldermen.[5]

While the independence of the towns was thus firmly established, their internal constitution was and remained aristocratic. The aldermen were drawn from a few leading families of merchants, clothiers, or landowners and elected their own successors, the craft gilds and the commons having no share in the government of the town. According to the law of the town of Brandenburg, the capital of the Mark, which was adopted by many other towns, even permission for the formation of gilds had to be given by the aldermen, and they appointed the wardens.[6] According to the law of Stendal,

[1] Privileges of Berlin and Cölln, 1317 ; Salzwedel, 1343 : Riedel, xii, no. 1, p. 350 ; xiv, nos. 115–16, pp. 82–3.

[2] In 1375 the *iudicium supremum* was either sold or pawned in at least sixteen towns, including all the larger ones : *Kaiser Karl's IV. Landbuch der Mark Brandenburg*, ed. E. Fidicin, pp. 28–32. Cp. Riedel, i, no. 59, p. 155 ; ix, no. 33, p. 377 ; xviii, no. 56, p. 36, no. 39, p. 85, no. 22, p. 228, no. 51, p. 308 ; xix, no. 121, p. 249 ; xxi, no. 142, p. 197.

[3] Privileges of Rathenow, 1295 ; Brietzen, 1319 ; Bärwalde, 1350 : *ibid.*, vii, no. 4, p. 410 ; ix, no. 11, p. 357 ; xix, no. 34, p. 20.

[4] Privileges of Stendal, 1324 ; the district of Lebus, 1327 ; Berlin and Cölln, 1328 : *ibid.*, xv, nos. 104–5, pp. 77–8 (renewed in 1344 : no. 157, p. 118), xx, no. 34, p. 203 ; *Historisch-diplomatische Beiträge zur Geschichte der Stadt Berlin*, ed. E. Fidicin (quoted as Fidicin), ii, no. 22, p. 28.

[5] Riedel, xxi, no. 61, p. 134 (1324).

[6] The principles of this law were communicated by Berlin to Frankfort in 1253 : ' Consules autem qui nunc sunt sequentis anni consules eligere habent et statuere. . . . Omnes vero exercentes officia, videlicet pistores, sutores, carnifices, seu cuiuscunque operis fuerint, non liceat eis habere quod dicitur

a few of the leading burgesses were allowed to take part in the election of aldermen [1]; but it is not stated whether these were wardens of gilds or simply former aldermen.[2] In any case, this participation seems to have ceased at an early date.[3] Only the law of Seehausen allowed the election of aldermen by the burghers; but this exception, recorded only from the fourteenth century, may have been the result of a revolution against the aristocratic form of election, as it certainly was in the case from which our knowledge of this law is derived, that of Pritzwalk.[4]

This being the state of affairs at the beginning of the fourteenth century, it was only natural that inside the towns the gilds and commons should try to break the power of the aristocracy and to gain a share in the town government, and that outside the towns the margraves as well as the nobles should attempt to encroach upon the independence of the towns and to subjugate them. The margraves used the internal conflicts of the towns to establish their own rule over them and often supported the rule of the aldermen over the lower classes; and the latter were in frequent rebellion against their rulers both inside and outside the towns. These struggles are intimately connected; they lasted throughout the fourteenth and fifteenth centuries, and the final defeat both of the towns and of the lower orders in the towns marked the end of medieval democracy in Brandenburg and the establishment of the nobility as the ruling class in society.

The towns, each too weak to resist attack single-handed, sought to strengthen their position by alliances among themselves and with towns outside the country. The first 'union' of Brandenburg towns of which a record exists was formed in 1308 and comprised all the towns of the Ottonine half of the Mark,[5] among them Berlin and Cölln, the Neustadt of Branden-

Innicghe in civitate, nisi de voluntate et permissione consulum. . . . Magistri etiam pistorum a consulibus statuantur. . . .': *ibid.*, xxiii, no. 3, p. 4.

[1] Count Günther von Arnstein granted the law of Stendal to the town of Neu-Ruppin in 1256: 'Consules consulibus suo tempore substituendis consulant assumtis quibusdam discretioribus civitatis. . . .': *ibid.*, iv, no. 2, p. 283.

[2] See *ibid.*, iv, p. 224. [3] *Ibid.*, iv, p. 208. Cp. below, p. 78.

[4] Privilege of Margrave Lewis the Elder for the town of Pritzwalk of 1335: 'Unde cum concors electio consulum, per universitatem vestram pro nunc facta, ipsi nostrae civitati et nobis . . . utiliter conveniat, ut denuo consules . . . secundum civitatis nostrae Sehusen aliarumque nostrarum civitatum ritum et modum communem eligere habeatis, vobis . . . conferimus . . . facultatem. . . .': *ibid.*, iii, no. 48, p. 367.

[5] Since 1258 the Brandenburg Mark had been divided between two branches of the Ascanian house, the Johannine and the Ottonine line.

burg, Frankfort, and Salzwedel; they vowed mutual help against any violence or injustice.[1] It was probably the same towns which, in the following year, formed a new union; they promised to share their expenses when resisting either attempts to cite their burghers before the margrave's high court or violence done to one of the towns by any *potentes*,[2] among whom was clearly included the margrave. Many more such unions for mutual assistance in case of attack were formed between various Brandenburg towns during the fourteenth and fifteenth centuries[3]; and the margraves were obliged solemnly to declare their approval of these unions.[4]

Equally important were the alliances with foreign towns. By the second half of the thirteenth century Stendal and Salzwedel, the leading towns of Brandenburg, were already important members of the Hanseatic League,[5] which not only fostered trade and secured trade routes and privileges, but also afforded protection against the princes and nobles. Altogether seven towns of the Old Mark, four of the Prignitz, and three of the Middle Mark became direct members of the Hansa.[6] But the power of the League was strong only along

[1] 'Nos una cum consilio omnium civitatum domini Johannis, marchionis Brandenburgensis, firma fide inter nos quandam fecimus unionem in hunc modum quod si aliqua violentia seu iniustitia alicui praedictarum civitatum insurgeret, tunc nos eidem civitati pro nostra possibilitate astare volumus consiliis pariter et expensis. . . .': Riedel, xiv, no. 63, p. 50. The documents *ibid.*, ix, no. 10, p. 7, and in *Urkundenbuch zur Berlinischen Chronik*, ed. F. Voigt (quoted as Voigt), no. 38, p. 25, are slightly different in wording.

[2] 'Si aliqui cives traherentur ad placita terrae, quae in vulgo dicuntur Lantdinc, extunc, sicut exnunc, expensae communes esse debent. Item si aliqua enormitas sive violentia per potentes aliquos fieret in nostra civitate, dummodo consules talem sibi assumerent violentiam, tunc iterum expensae communes esse debent. . . .': Riedel, ix, no. 14, p. 10; xiv, nos. 64, 66, p. 51.

[3] Between Königsberg, Schönfliess, Bärwalde and Mohrin, in the New Mark, in 1320; between the towns of the Middle and Old Mark and those of Lower Lusatia in 1323; between the Old Mark towns before 1323, in 1334, 1344, 1353, 1369, 1393, 1436 and 1478; between Prenzlau, Pasewalk, Angermünde and Templin, in the Ucker Mark, in 1348; between the Middle Mark towns in 1393 and 1399; between Berlin and Cölln, Brandenburg, and Frankfort in 1431: *ibid.*, xix, no. 21, p. 184; iii, no. 38, p. 361; xv, no. 103, p. 76; xvi, no. 10, p. 8; xiv, no. 124, p. 88; vi, no. 138, p. 100, no. 17, p. 409; xxv, no. 146, p. 278; vi, no. 168, p. 120; xxv, no. 295, p. 399; xxi, no. 96, p. 161; xi, no. 95, p. 66; xxiv, no. 96, p. 393; Fidicin, iv, no. 123, p. 95; ii, no. 97, p. 123, no. 104, p. 152. Probably many more such unions were formed.

[4] Riedel, xv, nos. 104–5, pp. 77–8; xiv, no. 87, p. 65 (1324); xx, no. 34, p. 203 (1327); Fidicin, ii, no. 22, p. 28 (1328); Riedel, iii, no. 71, p. 378; ix, no. 68, p. 43; xi, no. 54, p. 37; xvi, no. 17, p. 13, no. 27, p. 328; xxi, no. 100, p. 164; Supplementband, no. 19, p. 233 (all issued by the 'false' margrave Woldemar in 1348).

[5] See Riedel, B i, no. 106, p. 80; xiv, no. 13, p. 9; xv, no. 35, p. 24; *Hansisches Urkundenbuch*, i, nos. 593, 850, 865, pp. 208, 292, 299.

[6] In the Old Mark Stendal, Salzwedel, Gardelegen, Seehausen, Tangermünde, Osterburg, and Werben; in the Prignitz Perleberg, Havelberg,

the coast of the Baltic, and for this reason Stendal and other Old Mark towns concluded alliances with important nearby inland towns, such as Magdeburg, Brunswick, and Lüneburg, especially when threatened by danger.[1]

By these unions and by their membership of the Hansa the Brandenburg towns protected themselves not only against attacks from without, but also against movements of the lower classes within: a paragraph was included in the Old Mark union of 1436 saying that plotters, rioters, and rebels were to forfeit their lives and goods and were not to be admitted into other towns when fugitives.[2] Probably two years later, a clause against rebellious gilds and commons appeared in the draft of an alliance of the Old and Middle Mark towns.[3] These are indications of the growing power of the gilds and of increasing rebellion against the patricians, which was not confined to Brandenburg, but affected the towns all over Germany. In 1418 the Hanseatic League had decreed expulsion from the Hansa towns and the death penalty for burghers who conspired against the aldermen, while towns in which the commons seized power were to lose the privileges and membership of the Hansa.[4] In the leading Hanseatic towns, which lay in the colonisation area and were therefore commercial and not industrial towns, the ruling merchant aristocracies were strong enough to suppress revolutionary movements and helped each other to maintain their power.

The first recorded conflicts between aldermen and gilds, rich and poor, in the Brandenburg Mark, occurred in 1285 in its leading town, Stendal[5]; this town, with its important cloth trade and powerful craft gilds, remained a hotbed of social unrest for many centuries to come. The points in dispute were the method of electing the aldermen and the levying of taxes. The margraves Otto and Conrad were

Pritzwalk, and Kyritz; in the Middle Mark Berlin and Cölln, Brandenburg, and Frankfort: W. Stein, 'Die Hansestädte; (c) Die Städte der Mark Brandenburg', *Hansische Geschichtsblätter*, 1915, pp. 119–24, 135–7.

[1] Thus 1459, 1476, 1482, 1485–6: Riedel, xv, nos. 348, 407, 409, 431, 443, 446, pp. 289–402; xvi, no. 621, p. 176.

[2] 'Af ichteswelke lude unrechte sameninge, twidracht, uplop und vorsturinge der stede in desen steden meynen to makene . . . to ereme live und gude scal men richten sunder gnade. Worden se ok vorvluchtich, der er scal men in den anderen steden nicht liden. . . .': *ibid.*, vi, no. 168, p. 120.

[3] *Ibid.*, xxii, no. 3, p. 488 (1438 ?).

[4] *Hanserecesse von 1256–1430*, vi, no. 557, p. 555. Renewed in 1447, 1470 and 1487: *Hanserecesse von 1431–1476*, iii, no. 288, pp. 177, 186–7; vi, no. 356, p. 332; *Hanserecesse von 1477–1530*, ii, no. 160, pp. 142–3.

[5] 'Cum in civitate nostra Stendal aliqualis mota fuisset discordia super iure civitatis, dissentientibus divitibus ac pauperibus. . . .': Riedel, xv, no. 42, p. 34.

called in as arbiters and decided in favour of the aldermen, decreeing that they should remain in office for the rest of the year and then elect their successors without interference from outside ; that they should decide upon the *modus* of taxation, and that rich and poor were to pay equally ; that the gilds should not impede the decisions of the council and should inform it of the results of their own meetings. Whoever defied this arbitrament would be guilty of a felony and would forfeit his life and goods to the margraves.[1]

A new revolt of the gilds of Stendal broke out in 1345, and this time it was successful. Aldermen and gilds agreed upon a reformation of the constitution : from now on the council was to be composed of two representatives of the commons and ten of the gilds (two each of the clothiers, clothmakers, and merchants, and one each of the furriers, shoemakers and curriers, butchers, and bakers), and only four aldermen were to continue in office in the following year ; decrees of the aldermen required the consent of the gilds' wardens who were first to refer the matter back to their members ; if no agreement were reached the aldermen were to have the last word ; all decrees were to be read in burghers' assemblies and in the churches.[2] A number of patricians had to quit the town,[3] and were only re-admitted in 1350, after having agreed that the aldermen should be elected from the gilds, and that the clothiers' gild should not hold a privileged position.[4]

The violent conflicts of these years in the whole of the Brandenburg Mark were connected with the appearance, in 1348, of the 'false' margrave Woldemar, who claimed to have returned from the Holy Land after twenty-nine years' absence, but in reality was a usurper used by a powerful coalition of princes against the house of Wittelsbach. For the most part the towns sided with Woldemar and his allies and were granted especially far-reaching privileges[5] ; of the nobles many remained loyal to the Bavarian margraves. In the Ucker Mark the gilds and commons belonged to the party

[1] Riedel, xv. 34. For a conflict between the aldermen and gilds of Neu-Ruppin in 1315, see *ibid.*, iv, no. 4, p. 285 ; and for one between the aldermen and commons of Pritzwalk in 1335, see *ibid.*, iii, no. 48, p. 367 ; ii, p. 14.

[2] *Ibid.*, xv, nos. 167–8, pp. 123–5.

[3] In 1346 Margrave Lewis the Elder promised to protect the burghers who were 'outside the town' and to help them in again : *ibid.*, xv, no. 175, p. 132.

[4] The reconciliation was effected by Archbishop Otto of Magdeburg, the aldermen of the other Old Mark towns, and those of Brandenburg : *ibid.*, xv. nos. 179–80, pp. 135–6.

[5] See the privileges given to Berlin and Cölln, Brandenburg, Spandau, Tangermünde, Osterburg, Pritzwalk, and Prenzlau : *ibid.*, Supplementband, no. 19, p. 233 ; ix, no. 68, p. 43 ; xi, no. 54, p. 37 ; xvi, no. 17, p. 13, no. 27, p. 328 ; iii, no. 71, p. 378 ; xxi, no. 100, p. 164.

of the false Woldemar, while the aldermen were on the side of the Bavarians [1]; in the New Mark the towns went so far as to destroy the castles and fortifications of the nobles.[2] Unfortunately, the documents do not give many details about this aspect of the struggle around the person of the false Woldemar. When the Bavarian margraves slowly reconquered the Mark from the hostile coalition they had to make important concessions to the towns: they handed over several castles to them,[3] and promised to abstain from building any new ones,[4] to destroy those erected during the war [5] and to leave their armed forces outside the towns.[6] The towns had now reached the height of their power.

In the Old Mark towns fresh strife broke out in the second half of the century. In Salzwedel the gilds and commons rose in 1361, but without success. Margrave Lewis the Roman intervened, punished the ringleaders himself while leaving the others to the aldermen's jurisdiction, and ordered the wardens of the gilds to swear obedience to the aldermen and the margrave every year and to report everything harmful they heard of.[7] In 1387 the lower gilds of Stendal (the curriers, shoemakers, bakers, linenweavers, furriers, and clothmakers) bound themselves not to swear any more oaths to the aldermen, nor to submit to decrees which were not accepted by the gilds, and to help everybody to whom violence was done with their lives and goods.[8] This indicates that since the revolution of 1345 a reaction had taken place, probably beginning soon after the reconciliation of the town with the clothiers in 1350. In 1365, 1368–9 and 1372 the majority of the aldermen again came from those clothiers' families which had dominated the council before 1345.[9] The so-called 'three gilds' of the

[1] In Prenzlau, Pasewalk, Angermünde, and Templin: *ibid.*, Supplementband, no. 28, p. 26.

[2] The towns of Soldin and Königsberg: *ibid.*, xviii, no. 25, p. 458; xix, no. 71, p. 215.

[3] Berlin, Frankfort, Spandau, and Köpenick each were to occupy one of the margrave's castles: *ibid.*, B ii, no. 891, p. 259 (1349).

[4] Reconciliation with Königsberg and Soldin of 1349; with Stendal of 1351: *ibid.*, xix, no. 71, p. 215; xviii, no. 25, p. 458; xv, no. 185, p. 140.

[5] At least in the Old Mark: reconciliation with Stendal of 1351, repeated in 1360; with Sandau of 1351: *ibid.*, xv, no. 185, p. 140, no. 201, p. 152; B ii, no. 951, p. 329.

[6] Reconciliation with Spandau of 1349; with Rathenow and Sandau of 1351; with the Altstadt of Brandenburg of 1355; with the Neustadt of Brandenburg of 1365: *ibid.*, xi, no. 55, p. 38; vii, no. 16, p. 416; B ii, no. 951, p. 329; ix, no. 77, p. 49, no. 87, p. 55.

[7] *Ibid.*, xiv, nos. 175–7, pp. 124–5. [8] *Ibid.*, xv, no. 235, p. 182.

[9] Forty-three of the seventy-two aldermen known for the period 1365–1400 came from the families which had predominated in the council before 1345; among the twenty-nine others there were certainly members of the clothiers'

clothiers, merchants, and butchers now administered the town and provided the aldermen.

Conflicts took place about the same time in Berlin. An alderman of the town, Tyle Wardenberg, fomented a rebellion [1] against the Emperor Charles IV (of Luxemburg), who had taken the Mark by force from the Wittelsbachs in 1373 and had become margrave in their stead. Because of this rebellion Wardenberg was not re-elected to the town council. He then agitated among the commons, declaring that he had been excluded from the council because he opposed its corruption and wasting of money; he succeeded in getting the commons to annul several decisions of the aldermen, prevented any help being sent to the margrave, promised to free the burghers from all taxes, and did not cease his agitation even when re-elected as an alderman. Finally he was obliged to quit the town,[2] after which the unrest seems to have died down. In 1412, however, there was a fresh conspiracy against the aldermen in Berlin, the participants assembling in a church and taking an oath to obey their leaders. But once more the undertaking had no success,[3] and the rule of the patricians continued.

In 1411 King Sigismund made Frederick of Hohenzollern, burgrave of Nuremberg, governor of the Brandenburg Mark; in 1415 he ceded the country to Frederick, who was solemnly invested with it two years later. Thus the Hohenzollerns replaced the Luxemburgers as margraves of Brandenburg.

During the following decade, there were revolutionary movements in a number of Brandenburg towns. It may be that such rebellions seem more frequent in the fifteenth century because the source material for this period is much richer; but probably the number of conflicts grew as the result of the increasing wealth and importance of the towns, the development of strong gilds, and the more oppressive rule of the aristocracy.[4]

In 1420 strife broke out between the aldermen and commons of Frankfort. Margrave Frederick decided that the burghers should elect twelve men from the gilds and six from the

gild who had joined it after that year: L. Götze, *Urkundliche Geschichte der Stadt Stendal*, pp. 174–5. The cloth trade of Stendal was very important: Riedel, xv, no. 360, p. 299.

[1] This must have taken place between 1373 and 1378. The only source for these events exists in the form of notes in the oldest town records of Berlin of 1397 (?): Fidicin, i, pp. 176–80. Cp. Fidicin, *Berlinische Chronik*, p. 117.

[2] In 1382 margrave Sigismund, the son of Charles IV, wrote in favour of the expelled Wardenberg to the aldermen, gilds and commons of Berlin: Fidicin, iv, no. 48, p. 51 = Voigt, no. 24, p. 204.

[3] Apparently it was discovered at an early stage. Some details in Riedel, Supplementband, no. 63, p. 269. Cp. Fidicin, i, p. 223.

[4] Cp. above, p. 77.

commons, and that the aldermen should then choose four of the former and two of the latter as representatives who were to be present at the collection and auditing of taxes and to have power to vote for the commons, if the aldermen wanted their decision, or, if they chose, to refer the matter back to the burghers.[1] Only three years later the margrave had to settle a fresh dispute in the town, the commons attacking the nepotism of the aldermen.[2] In 1424 the parties agreed that from then on the aldermen should not elect their sons, brothers, nephews, or sons-in-law to the council, nor should aldermen be eligible as jurymen, who were to be drawn from the gilds and commons.[3] In the previous year the margrave had decided disputes in Treuenbrietzen in favour of the aldermen ; the burghers were not to make any innovations, and no gild wardens were to sit in the council.[4]

In 1425 the burghers of Prenzlau rose against the aldermen and drove the patricians out of the council. In the following year Margrave Frederick's son John was sent to settle the dispute ; he judged that the commons had complained without reason and admonished them to obey the aldermen. He himself appointed a council, which was to elect its own successors, and forbade the burghers to plot against it in any way.[5] Several ringleaders were put to death.[6] In the following year the same prince was called into the Neustadt of Brandenburg to arbitrate between the aldermen and the gilds and commons. Again he decided that the former were to retain their power, but should choose sixteen representatives of the burghers and render every year an account of revenue and expenditure to them ; if there were any disagreement he would himself settle it.[7] In the next year fresh unrest broke out in Brandenburg because of the tax levied for the war against the Hussites.[8]

In 1429 the lower gilds of Stendal, the clothmakers, furriers, and linenweavers, rose in open revolt against the patricians and had to be put down by the armed force of Margrave John who was supported by other Old Mark towns.[9] Two cloth-

[1] Riedel, xx, no. 96, pp. 256–7.
[2] *Ibid.*, xxiii, no. 226, pp. 164–5.
[3] *Ibid.*, xxiii, no. 229, p. 177.
[4] *Ibid.*, ix, no. 86, p. 408.
[5] *Ibid.*, xxi, nos. 219–20, pp. 260–2 ; *Die Magdeburger Schöppenchronik*, ed. K. Janicke (*Die Chroniken der deutschen Städte vom 14. bis in's 16. Jahrhundert*, vii), p. 374.
[6] F. Priebatsch, *Die Hohenzollern und die Städte der Mark im 15. Jahrhundert*, p. 61.
[7] Riedel, ix, no. 164, p. 129.
[8] *Deutsche Reichstagsakten unter Kaiser Sigmund*, ix, ed. D. Kerler, pp. 238, 261.
[9] The margrave expressed his thanks for help against Stendal to the towns of Seehausen and Tangermünde : Riedel, vi, no. 34, p. 365 ; xvi, no. 60, p. 52.

makers were beheaded, others had to leave the Mark. The clothmakers had to promise never to increase the number of masters above one hundred and to admit only their children to the gild ; furriers and linenweavers could no longer become aldermen. All gilds and the commons had to swear to obey the margrave and the aldermen and never to form any union against them, but the clothiers and landowners received a document that they were not to blame for the revolt.[1] Another revolt against the clothiers took place in the Neustadt of Salzwedel, and here also the burghers were ordered by Margrave John to be obedient to the aldermen.[2] In both towns the clothmakers had probably tried to gain the right to cut cloth, which was reserved for the clothiers. The first Hohenzollerns thus protected the rule of the aristocracy, making it dependent on their help and thereby strengthening their own power.

In the Middle Mark, Margrave John in 1429 accused Frankfort of having usurped the highest jurisdiction, a prerogative which he claimed to be his father's,[3] though it had been granted to the town in 1388.[4] To these and other complaints made by the margrave against Frankfort, the four towns of Brandenburg, Frankfort, Berlin, and Cölln, which had also incurred the margrave's enmity,[5] replied by forming, in 1431, a new union for mutual aid if any of them were deprived of their privileges or liberty.[6] In the following year, the aldermen of Berlin and Cölln settled various quarrels and reunited the two towns under a joint council, court, and administration.[7] This unification consolidated the power and prestige of the aldermen, the gilds apparently having no share in the town government. About 1438 the Old and Middle Mark towns drafted the terms of a new union, by which they refused to vote taxes, to swear the oath of allegiance, to render military service outside the country, or to help in wars started by the margrave without their consent, unless it were by common agreement of all the towns, or to surrender their privileges, whether these were threatened by attack from without or within.[8]

[1] Riedel, xv, nos. 286–8, pp. 230–3 ; Götze, pp. 192–6.
[2] Riedel, xiv, no. 114, p. 245.
[3] *Ibid.*, xxiii, no. 240, p. 193 = Fidicin, iv, no. 158, p. 136.
[4] Riedel, xxiii, no. 176, p. 125.
[5] H. Prutz, *Preussische Geschichte*, i, p. 145.
[6] Fidicin, ii, no. 104, p. 152. According to G. W. von Raumer, *Codex diplomaticus Brandenburgensis continuatus* (quoted as Raumer), i, p. 155, the Old Mark towns formed a union in the same year.
[7] Riedel, xii, no. 38, pp. 510–11 = Fidicin, iv, no. 162, pp. 143–4.
[8] Riedel, xxii, no. 3, pp. 487–9.

All this indicates that tension between margrave and towns, and between aldermen and gilds, was high when margrave Frederick II succeeded his father in 1440. When Berlin and Cölln paid homage to him, he prudently did not vow to the saints, but promised 'simply with words' that he would keep their honour and rights, without having confirmed their privileges before the homage.[1] Two years later, the gilds and commons of the town appealed to Frederick to help them against the aldermen, to revoke the act of unification and to install separate councils again. On 26 February he appeared with armed forces in Berlin, had the keys of the gates delivered to him, and appointed two new separate councils which were to elect their successors after one year, their election being subject to his confirmation and right of substitution; all unions and alliances of Berlin with towns inside and outside the Mark were declared null and void.[2] On 29 August Berlin and Cölln had to cede to the margrave their common town hall, their right of staple, the higher and lower jurisdiction, and a site in Cölln for the construction of a castle.[3] Thus they lost their most important privileges, their independence, and their unions with the other towns and the Hansa. The remaining Brandenburg towns also were forbidden to send delegates to the Hanseatic diets.[4] In July 1443 the aldermen of Salzwedel wrote to Hamburg that they could not come to the assembly at Lüneburg 'because of the great invasion which has taken place'.[5] In the same month Margrave Frederick laid, at Cölln, the first stone of the new castle,[6] which was called *frenum antiquae libertatis* by later chroniclers.[7]

This castle, growing before their eyes, roused the anger of the humiliated burghers. In January 1448 they opened a sluice in the town moat so as to flood the building, and

[1] Notes of Berlin's town-clerk: *ibid.*, D i, p. 304 = Fidicin, i, pp. 252–3.

[2] Riedel, Supplementband, no. 88, pp. 287–90; Fidicin, ii, no. 126, pp. 180–6. Reports of chroniclers: *Das Stadtbuch des alten Köln an der Spree*, ed. P. Clauswitz, pp. 43–44; *Chronik des Franciscaner Lesemeisters Detmar*, ed. F. H. Grautoff, ii, p. 83; A. Krantz, *Wandalia*, liber xii, cap. x; A. Angelus, *Annales Marchiae Brandenburgicae*, ed. 1598, p. 214; P. Haffti-tius, *Microcronicon Marchicum*, in Riedel, D i, p. 62; N. Leuthinger, *De Marchia et rebus Brandenburgicis . . .*, ed. J. G. Krause, p. 777. The modern literature on the subject is discussed by E. Kaeber, 'Die Beziehungen zwischen Berlin und Cölln im Mittelalter und der Konflikt der beiden Städte mit Kurfürst Friedrich II.', *Hansische Geschichtsblätter*, liv (1929), pp. 19 ff.

[3] Raumer, i, no. 67, pp. 207–8.

[4] Voigt, note to no. 111, p. 387.

[5] Fidicin, iv, no. 171, p. 176 = Voigt, no. 111, p. 387.

[6] Voigt, no. 112, p. 388.

[7] Krantz, *loc. cit.*; Angelus, *loc. cit.*; Z. Garcaeus, *Successiones familiarum et res gestae illustrissimorum praesidum Marchiae Brandenburgensis*, ed. J. G. Krause, p. 174.

Frederick vainly ordered it to be closed again.[1] Soon afterwards the Berliners arrested the judge whom he had appointed, put him into prison, and expelled officials and partisans of the margrave from the town; his intervention on behalf of the arrested man had no success.[2] Finally, an enraged crowd stormed his residence, forced the doors of the archives, and destroyed or carried away letters and documents.[3]

A new conflict became inevitable. Both sides prepared and looked for allies. Berlin and Cölln asked the Brandenburg towns as well as Lübeck, Hamburg, Lüneburg, and Magdeburg for advice and help, tried to restore the old unions and everywhere denounced the margrave for his violation of their rights.[4] The response was poor: only some small Brandenburg towns, Neu-Ruppin, Mittenwalde, and Perleberg, declared their willingness to help[5]; the others either did not reply or declined to do anything; for Frederick had been travelling round the country, summoning the burghers and asking for their support. Spandau and Bernau, near Berlin, were the first to promise it, then other towns followed suit and sent men-at-arms to Frederick.[6] In May 1448, deserted by their allies and attacked by the margrave and his followers, Berlin and Cölln had to agree to submit the dispute to a court of the estates.[7] It met in Spandau, where Frederick had assembled his forces, and listened to his description of all the offences and outrages of the two towns.[8] On 25 May it announced its verdict which confirmed Frederick's orders of 1442 in every point: the castle, the court, the common town hall, the right of electing the aldermen, the staple, and the toll had to be yielded afresh to the margrave.[9] On 19 June the burghers of Berlin and Cölln had to vow never again to violate the agreement of 1442 and to be obedient and humble subjects in the future.[10] One after another, the rich burgesses had to

[1] Fidicin, ii, no. 136, p. 197; *Berlinische Chronik*, p. 172.

[2] Riedel, Supplementband, no. 93, p. 294; Fidicin, iii, no. 401, p. 229; ii, no. 141, p. 211.

[3] Fidicin, ii, no. 140, p. 208.

[4] *Ibid.*, ii, nos. 140–1, pp. 206–12; *Hanserecesse von 1431–1476*, vii, no. 531, p. 842.

[5] Riedel, iv, no. 103, p. 336; xi, no. 28, p. 245; Fidicin, iv, no. 173, p. 177; ii, no. 138, p. 199; iii, p. 330; cp. *ibid.*, iv, no. 174, p. 178.

[6] Detailed letter of the aldermen of Neustadt-Eberswalde to those of Berlin and Cölln, dated April 10th: Riedel, xii, no. 67, p. 328.

[7] The first proposal to submit the dispute to the decision of such a court had been declined by the two towns: Fidicin, ii, no. 141, p. 211.

[8] See *ibid.*, ii, nos. 140–1, pp. 200–12.

[9] Raumer, i, no. 68, pp. 209–10, also giving the names of the judges, their large majority being nobles.

[10] *Ibid.*, i, no. 69, pp. 211–12.

appear before Frederick and to surrender their persons, goods, fiefs, and even their wives' jointures; they lost their landed properties, at least in part, and had to pay enormous fines.[1] Several had to quit the town.[2] So great was their fear of the margrave that neither Frankfort nor the towns of the Old Mark sent delegates to the Hansa diet of 1450.[3] Two years later, Berlin and Cölln formally renounced their membership of the League because it had not helped them against the margrave.[4] Their opposition was finally broken, and the loss of their privileges and trade rights reduced them to unimportant country towns.

During the later years of his reign Frederick had to quell fresh conflicts in various towns. In 1467 he decided a dispute at Potsdam in favour of the aldermen, abolishing the assessors elected by the commons, and threatened to punish anyone who attacked the aldermen in future.[5] In the following year he subdued the rebellious gilds of Gardelegen, in the Old Mark, by punishing the leaders and making the wardens of the gilds swear obedience to him and to the aldermen.[6] He thus continued the policy of his predecessors of protecting the aristocracy.[7]

Though Berlin and Cölln had been subjugated by the margrave, the Old Mark towns, especially Stendal and Salzwedel, still held their old powerful position. The quarrel between them and Frederick's brother and successor, Albrecht, began immediately on his accession in 1471, over the question whether he should confirm their privileges before or after they swore the oath of allegiance.[8] The following years were taken up by a dispute between margrave, nobles, and towns over the *modus* and repartitioning of a tax to pay his debt of 100,000 guilders. The margrave proposed for the first time

[1] According to the, perhaps incomplete, lists in Fidicin (ii, no. 142, pp. 214–15) four families had to pay 3,000 guilders each, two 2,000 each, five 1,000 each, seven 700 each, one 200, and seven 100 guilders each. Later on, some fines were reduced or remitted: *ibid.*, ii, no. 142, pp. 216–17, no. 144, pp. 219–20; Riedel, Supplementband, no. 97, p. 296. As late as 1458 his fiefs were given back to one burgher: Raumer, i, no. 114, p. 243.

[2] Fidicin, ii, no. 142, p. 217.

[3] *Hanserecesse von 1431–1476*, iii, no. 649, p. 485, no. 672, p. 512.

[4] *Ibid.*, vii, no. 531, p. 842. Later on Berlin became again a member, but did not resume sending delegates to the diets: *Hansisches Urkundenbuch*, viii, p. 308 n. 4; *Hanserecesse von 1431–1476*, vi, no. 185, p. 164; Stein, pp. 133–4; Kaeber, pp. 87–8. Cp. below, p. 89.

[5] Riedel, xi, no. 37, p. 182.

[6] Priebatsch, pp. 82, n. 1, 105. Cp. the later addition in the town's statutes: Riedel, xxv, no. 239, p. 362.

[7] Beginning in 1438 in Salzwedel: Riedel, xiv, no. 333, p. 262.

[8] *Ibid.*, xiv, no. 420, p. 349. Cp. above, p. 83.

to raise the money by an excise on beer, but the towns, in which the brewing and export of beer were very important trades, refused to grant such a tax so that he had to revert to the customary land tax, the towns having to contribute 50,000, the nobles 30,000, and Albrecht himself 20,000 guilders.[1] Later on, he informed the estates that he intended to raise his share by a new toll on all merchandise, from which the goods of prelates and nobles were to be exempted.[2] When a court of the estates, each time composed of a large majority of nobles, approved of this [3] and decided against the towns of the Old Mark and Prignitz, which were now refusing to pay their part of the 50,000 guilders,[4] the towns rose in open revolt. In April 1473, Stendal, Salzwedel, and Gardelegen refused to allow collectors of the new toll to be installed ; in Stendal the burghers threatened to cut off the heads of the margrave's councillors, who were believed to be responsible for the introduction of the toll. Everywhere in the Old Mark the burghers stood on guard, and all were summoned to arms.[5] The towns of the Prignitz also refused to pay the toll ; at Havelberg the collectors were driven away. In the Middle Mark, Brandenburg, Frankfort, and Rathenow joined the opposition. The commons of Frankfort demanded that the toll should be repealed, and that this claim should be conveyed to Albrecht not by an alderman, but by a member of the commons. The town would refuse to send him any military help in the future if he insisted on the toll. In the Pomeranian towns there was a rumour that the Brandenburg towns had *all* joined in this refusal.[6] The margrave accordingly had to give way for the time being.[7]

When Albrecht asked the estates for fresh financial aid in 1480, the prelates and nobles came back to the proposal to raise the money by an excise on beer, but the towns resisted vigorously.[8] Those of the Old Mark declared that they were

[1] For details see Riedel, xiv, no. 420, pp. 350–1 ; C ii, no. 63, pp. 62–3.

[2] 8 August 1472 : *ibid.*, xiv, no. 426, p. 357.

[3] 23 February 1473 : *ibid.*, C ii, no. 72, pp. 72–5.

[4] 8 March 1473 : *ibid.*, C ii, no. 75, p. 89. In both instances several judges belonging to the towns withdrew before judgment was given, obviously because they disagreed.

[5] Reports of the knight Busso von Alvensleben and Bishop Frederick of Lebus, of 3 and 9 April respectively : *ibid.*, C ii, no. 87, p. 101, no. 91, p. 113. Cp. *ibid.*, xiv, nos. 427–8, pp. 358–9.

[6] *Ibid.*, B v, nos. 1939–40, 1945–7, 1950, 1952, pp. 205–33 ; C ii, no. 87, p. 101.

[7] In 1476 the Prignitz towns bought their freedom from the new toll for 1,500 guilders, and the Old Mark towns for 6,000 : *ibid.*, i, no. 114, p. 194 ; Priebatsch, p. 144.

[8] Raumer, ii, no. 50, pp. 47–8 = Riedel, C ii, no. 196, pp. 245–8.

too poor to give anything at all, while the others agreed only to give the usual land tax.[1] Thereupon Margrave John, governor of the Mark in place of his father, submitted the case to a court of the Middle Mark estates, bringing up all his old and new complaints against the towns of the Old Mark, especially against Stendal, the centre of resistance, which he accused of usurping many rights, particularly of jurisdiction.[2] Again the court, with its large majority of prelates and nobles,[3] decided in favour of the margrave, giving him the right to confiscate all goods of the Old Mark towns, wherever he found them, until they had paid their taxes.[4] In the following year, the prelates and nobles of the Old Mark, who had hitherto supported their towns, declared that they would pay their share whether the towns did so or not.[5] The latter, now standing alone, were unable to continue their opposition and offered, in place of the 17,000 guilders demanded, 13,000 guilders, which were accepted by the margrave.[6]

In 1488 Margrave John, who had succeeded his father in 1486, at last found the desired opportunity to subjugate the powerful towns of the Old Mark and their gilds.[7] When he asked the estates for fresh financial aid in February, the prelates and nobles and the Middle Mark and Prignitz towns consented to raise the money by an excise on beer. The consent of the prelates and nobles was secured by a clause that the beer they brewed themselves in their castles and manors was to be free from the duty, while that of the towns may have been won by conceding them one-third of the yield of the tax.[8] Only in the Old Mark did the lower gilds rise against margrave, nobility, and aldermen, which seems to show that the aldermen there were also inclined to accept the excise.

In Stendal the lower gilds and commons compelled the aldermen and the ruling 'three gilds'[9] to give a written promise to resist the excise and to make other concessions.[10] Then the burghers marched out of the town, pillaged and burned the residences of the nobles, of whom they captured

[1] Letter of Margrave John to his father, of 10 August 1480: Riedel, C ii, no. 205, p. 257. Cp. his correspondence with the Old Mark towns: Raumer, ii, nos. 57, 60, pp. 55, 57.

[2] In detail, Raumer, ii, nos. 59, 63, pp. 56–9.

[3] See *ibid.*, ii, nos. 58, 63, pp. 56, 59.

[4] *Ibid.*, ii, no. 63, p. 60.

[5] *Ibid.*, ii, no. 65, p. 62.

[6] Letter of Margrave Albrecht to his son, of 10 October 1481: Riedel, C ii, no. 217, pp. 267–8; Priebatsch, pp. 254–63.

[7] For his sharp action against the gilds of Perleberg and Wittstock, in the Prignitz, in 1482 see Riedel, i, no. 118, p. 198, p. 291; iii, no. 232, pp. 486–7.

[8] *Ibid.*, C ii, no. 265, pp. 333–6.

[9] See above, pp. 79–80.

[10] Riedel, xv, no. 452, p. 408.

several and seized others when they rode into Stendal to redeem their goods. Three nobles were tried and executed, the rest were cast into a dungeon.[1] The burghers of Salzwedel also marched against the nobles, sacked their manors and put several of them to death.[2] Similar riots, directed against margrave and aldermen, took place in all the towns of the Old Mark. In Seehausen the shoemakers were the leaders; here too the aldermen were forced to sign a document granting concessions.[3] In Salzwedel the burghers grew frightened after their outbreak and sent a message to the margrave saying that they put their persons, goods, and privileges into his hands. But when he was already on his way to Salzwedel, they changed their minds again and stormed and occupied the convent of the Holy Ghost outside the town.[4]

Supported by the nobility, Margrave John could now master the Old Mark towns by force. On 25 March Tangermünde, on the Elbe, surrendered to him.[5] From there he marched on Stendal, begged to do so, according to chroniclers' reports,[6] by the deposed aristocracy. On 22 April the burghers of the town, who seem to have offered no resistance, surrendered all their old privileges, e.g. those of not rendering military service outside their town walls and of choosing another sovereign if oppressed by the margrave, further the original letters of their unions and alliances with other towns, the higher and lower jurisdiction, and the right of electing their aldermen freely. They had to agree to pay the beer duty, raised to double the amount, not for seven but for fourteen years, as well as damages to the nobles. The five seditious gilds, the clothmakers, shoemakers, furriers, bakers, and linen-weavers, lost their gild status. All the burghers had to do homage on their knees and vow never again to plot against the margrave or the aldermen who represented him.[7] Three ringleaders were beheaded,[8] and many others had to quit the town.[9] A few months later, John confirmed the gild rights of the merchants, butchers, and clothiers because of their obedient and pious behaviour during the riots.[10]

[1] Riedel, xv, no. 451, pp. 407–8, nos. 477–9, pp. 429–30.
[2] *Ibid.*, xiv, no. 496, p. 422.
[3] *Ibid.*, vi, nos. 69–70, pp. 384–5.
[4] *Ibid.*, xiv, no. 496, p. 422.
[5] Priebatsch, p. 171.
[6] A. Krantz, *Saxonia*, liber xiii, cap. xiv; Garcaeus, p. 240.
[7] Riedel, xv, no. 452, pp. 408–10.
[8] Krantz, *loc. cit.*, and Angelus, p. 255, simply say that a number were executed. Götze, p. 237, and Priebatsch, p. 171, give the above number, while C. F. Pauli, *Allgemeine preussische Staats-Geschichte*, ii, p. 388, puts it as high as eight to twelve.
[9] Riedel, xv, no. 459, p. 416.
[10] *Ibid.*, xv, nos. 456–7, pp. 413–14; xxv, no. 333, p. 430.

From Stendal the margrave went to Osterburg, and from there to Salzwedel, which surrendered on 28 April. It too had to yield up all its privileges, which included exemption from military service and the right to destroy the castles in the Old Mark, its jurisdiction, its rights of alliance, gild and free election of aldermen, the keys to the town gates, and the weapons of the burghers. Like Stendal, it had to pay damages to the nobles and to agree to raise the beer duty for a longer period and a higher amount. The houses near the margrave's castle were to be demolished and he was to be allowed to build a sortie from it, while the gates between the Altstadt and the Neustadt, which had been taken down during the rising, were to be restored and closed again.[1] Two burghers were executed.[2] During the first days of May, Seehausen, Werben, and Gardelegen also handed over their privileges, conceded the excise either for seven or for fourteen years and signed similar documents of submission; this Tangermünde and Osterburg had already done.[3] The power of the Old Mark towns was broken, and it never revived.

A few years later, Margrave John followed up his victory of 1488 by harsh treatment of the two towns of the Middle Mark standing next to Berlin in importance. In 1490 he forbade the gilds of the Neustadt of Brandenburg to summon the burghers to the town hall or to make any agreement with the gilds of the Altstadt; for he refused to let the gilds dominate the aldermen in the towns.[4] In 1496 Frankfort had to surrender the higher jurisdiction and the right of electing its aldermen freely, as well as to concede an increase of taxes.[5] The connections between the Brandenburg towns and the Hansa were now finally severed. In 1517 Stendal, Salzwedel, and Berlin left the League; they were declared non-members in the following year,[6] and Frankfort was pronounced one in 1525.[7]

At the close of the middle ages, the political and economic power of the Brandenburg towns was completely broken; the craft gilds and commons were subservient to the patricians, and the latter depended on the margrave. Throughout the

[1] *Ibid.*, xiv, no. 496, pp. 419–23.
[2] Document built into the steeple of St. Mary's at Salzwedel in 1496: Götze, p. 243.
[3] Riedel, vi, no. 212, p. 149, no. 69, p. 384, no. 52, pp. 431–2; xvi, p. 118.
[4] Raumer, ii, no. 87, p. 83 = Riedel, ix, no. 314, p. 241.
[5] Riedel, xxiii, no. 366, pp. 305–6; Priebatsch, pp. 173–4.
[6] *Hanserecesse von 1477–1530*, vii, no. 39, p. 61, no. 108, p. 176.
[7] *Ibid.*, ix, no. 132, p. 260.

period, the policy of practically all the margraves, to whichever house they belonged, had always been one of supporting the rule of the patricians and lending them their help to hold down the lower orders. As the latter were the mainstay of the opposition to any attempts at subjugation of the towns as a whole, effective resistance was made impossible by the aristocracy's policy of calling in the margraves.

Trade rather than manufacture had always been the main activity of these towns of the colonisation area, and this had two consequences : first, that the craft gilds and commons were not strong enough to gain power ; and, secondly, that the loss of trade rights and privileges was fatal to the development of the towns. Where, formerly, strong communities had governed themselves, undisturbed by outside interference and protected by alliances with each other, and, as members of the Hanseatic League, had carried on trade with Scandinavia and Flanders, town life now decayed. Self-government, so far as it survived, developed into a dull routine and the magistrates became obedient state officials. Even in the years of the Reformation, when all over north-eastern Germany, from Lübeck, via Stralsund and Stettin, to Danzig and Königsberg, the commons rose in a last desperate revolt, there was hardly a stir in the Brandenburg towns.[1]

In the fight against the towns the margraves had to rely more and more upon the support of the nobles who were greatly strengthened by their common victory. The balance of power in society henceforth was in favour of the nobility. When, in the sixteenth century, the Junkers rose to be the ruling class in society, there no longer existed any force strong enough to contest the issue. Medieval democracy had lost its battle, and the burghers of the towns did not raise their heads again until the nineteenth century, when once more they were defeated by the forces which had vanquished them four hundred years earlier. Both the historical weakness of democracy in Germany and the formation of the Prussian State are intimately connected with the subjugation of the towns at the end of the middle ages.

[1] Only in Stendal and Tangermünde, in the Old Mark, did a minor rebellion break out in 1530 which was easily suppressed by Margrave Joachim ; in Stendal six ringleaders were beheaded : for details see Riedel, xv, nos. 613–15, pp. 526–9 ; xvi, no. 178, pp. 143–5 ; Supplementband, nos. 47–8, pp. 417–18 ; Pauli, ii, pp. 562–5. In 1525, the year of the Peasants' War, everything remained quiet in the Brandenburg Mark : see the letters of Margrave Joachim and the knight Christoph von Taubenheim in *Akten zur Geschichte des Bauernkriegs in Mitteldeutschland*, i, 2, ed. O. Merx and G. Franz, no. 922, p. 573, no. 963, p. 600.

APPENDIX

Margrave	House	Ruled in Brandenburg
Woldemar	Ascanian	1309–1319
Lewis the Elder, Lewis the Roman and Otto (sons of King Lewis the Bavarian)	Wittelsbach	1324–1351
Lewis the Roman and Otto (sons of King Lewis the Bavarian)	,,	1351–1365
Otto (sons of King Lewis the Bavarian)	,,	1365–1373
Emperor Charles IV	Luxemburg	1373–1378
Sigismund, son of Charles IV.	,,	1378–1397, 1411–1415
Jobst of Moravia	,,	1397–1411
Frederick I	Hohenzollern	1415–1440 (governor from 1411)
John (sons of Frederick I)	,,	governor till 1438
Frederick II (sons of Frederick I)	,,	1440–1470 (governor from 1438)
Albrecht (Achilles) (sons of Frederick I)	,,	1470–1486
John (Cicero), son of Albrecht.	,,	1486–1499 (governor from 1470)
Joachim I, son of John	,,	1499–1535

THE BRANDENBURG MARK ABOUT THE MIDDLE OF THE 15TH CENTURY

NOTE: The New Mark was pawned to the Teutonic Order in 1402 and only bought back in 1454

THE STUDY AND USE OF ARCHDEACONS' COURT RECORDS: ILLUSTRATED FROM THE OXFORD RECORDS (1566–1759)

By E. R. Brinkworth

Read 10 January 1942

I

There can be no doubt that the records of archdeacons' courts, and, indeed, of all ecclesiastical courts, have been very generally neglected by both custodians and students. This is evident from the comparatively small amount of work that has appeared based upon records of this sort: only rarely are they drawn upon for evidence. And but an infinitesimal fraction of what is known to exist has ever been published in any form. In short, the field is almost untouched.

There can also be no doubt about the great value of these records. It is noteworthy that all of the few who have done extended work upon them anywhere have been impressed by this. Professor Claude Jenkins speaks for all when he says '. . . it is necessary to insist on the *enormous* value to the student of all records of archdeacons' courts that are known to survive' (my italics).[1]

Why, then, have these records been so disregarded? The answer may be summarised briefly as follows:

First, there is the difficulty of access which until recently prevailed in repositories of ecclesiastical records almost everywhere, and which prevails all too often to-day. Students, if not actually debarred from entry, are not welcomed; things are made difficult; space and hours are often very restricted and fees are high. The Survey published in the *Bulletin of the Institute of Historical Research* in 1932 [2] as a complement to Dr. Hubert Hall's *Repertory of British archives* [3] shows that there were then very few repositories where there was anything like adequate accommodation for students, while in still fewer were the records arranged in any sort of order or listed. And of ecclesiastical records, those of the courts are the least regarded.

Two notable exceptions which shine brightly for the care and study that have been bestowed upon their ecclesiastical

[1] see *History*, new ser., vol. xv (Oct. 1939), p. 208.
[2] Suppt. no. 1 (June 1932), pp. 27–31. [3] R. Hist. S., 1920.

records are Lincoln and Gloucester; places which will always be associated with the names of Canon C. W. Foster and Mr. F. S. Hockaday respectively.

It is instructive to recall the sort of condition in which these two pioneers found the records for which they did so much. Let us take their own words, as they gave evidence before the Royal Commission on Public Records in 1914–15. Mr. Hockaday described how 'in an upper chamber' of the diocesan registry at Gloucester, 'there was a pile of documents and MS. volumes, and so on, which were unrecognisable, deep in dust'; and said 'it was suggested to me that as I was fond of old things I should probably like to get under some of that dust'.[1] The results of Hockaday's labours, especially upon the court records, are so widely known and valued that there is no need for me to underline them here. Canon Foster's experience was much the same. Speaking of the Lincoln records, which include a large number of court records, he said that '. . . the larger part of them I found in a state of great confusion, covered with dust and dirt and in many cases damaged . . . by damp and decay. Many of the visitation books and court books and other volumes had come to pieces and their sheets had been scattered'.[2] Again, it would be superfluous to dilate on what has been accomplished at Lincoln. Now, Lincoln and Gloucester are not isolated cases: the state of affairs which prevailed there could unfortunately be paralleled in all too many instances to-day.

A second reason for neglect is the very common misconception of the archdeacons' courts as being concerned in the main with rustic peccadilloes of no consequence to the historian, and hardly worth his serious attention.[3]

And thirdly another deterrent is to be sought in the difficulties presented by the records themselves. The act books of archdeacons' courts are not prepossessing to look at; they are appallingly written in a severely abbreviated technical language. The student tackling such a book—especially one of a date before, say, 1640—finds that he has painfully to acquire an intimate knowledge of procedure and forms before he can make much of what is in front of him.[4]

[1] *Report of the Royal Commission on Public Records* (H. of C. Parl. Papers, Cmd. 369), vol. iii, pt. 2, p. 24.

[2] *ibid.*, p. 54.

[3] *cf.* G. Baskerville, *Eng. Hist. Rev.*, vol. xliv (1929), p. 4, n. 1.

[4] The best guides are the old books of practice, especially T. Oughton, *Ordo judiciorum*, 2 vols. (1738), and H. Conset, *The practice of the spiritual courts*, 2nd ed., 1700. Mr. F. S. Hockaday compiled a valuable 'Practice' based upon the Gloucester records; see *Trans. Bristol and Glouc. Archeol. Soc.*, vol. xlvi (1924), pp. 195–287.

II

A glance at the chief landmarks in the history of the study and use of ecclesiastical court records is instructive. In the eighteenth century Archdeacon Furney examined and made notes on some of the Gloucester records, and Christopher Hutton issued, in 1743, interesting though abortive proposals for a parochial history of Durham in which he named the consistory court records among those he intended to use.[1] But the first work in which ecclesiastical court records were actually used for historical purposes was Archdeacon W. H. Hale's *Precedents in causes of office against churchwardens and others* which appeared in 1841. James Raine's *Depositions from the ecclesiastical courts of Durham* (Surtees Society) followed in 1845[2]; and in 1847 came Hale's well-known *Precedents and proceedings*[3] in which he used the archdeaconry court records of Middlesex. It is a work of permanent value, to which constant reference has ever since been made. In 1850 the Surtees Society published the *Ecclesiastical proceedings of Bishop Barnes.*[4]

A very long time elapsed before anything further of much significance was done. But from time to time the importance for history of these records was emphasised, and pleas for the study of them were put forward. Their claims were strongly urged by Dr. Augustus Jessop in an essay full of suggestion entitled 'Cathedral space for neglected records' (1890).[5] In 1910 F. W. Maitland in his *Roman canon law in the Church of England* used words so significant for the present discussion that no apology is needed for quoting them at some length. He says 'a detailed history of our ecclesiastical courts is at present impossible. Very few attempts have been made to put into print the records out of which that history must be wrung. They are voluminous. . . . Still, what has been done for the temporal might be done for the spiritual courts, had anybody a mind to do it. Those who achieved the task would have to learn much that has not been taught in England during the past three centuries, and, it may be, to unlearn a good deal that has been taught too often. I have been trying . . . to suggest that some questions of fundamental importance are still open, and thereby to arouse the spirit which copies legal records and prints them.'[6]

[1] see J. G. Nichols, *Literary anecdotes*, viii. 283–4. [2] vol. xxi.
[3] A useful index to the Essex cases in this volume is in *Trans. Essex Archeol. Soc.*, vol. xix, pt. 4 (1929), pp. 305–10.
[4] vol. xxii. [5] in *Trials of a country parson*; see esp. p. 210.
[6] p. 131.

Then in 1914 we have Mr. Hockaday's evidence before the royal commissioners, to which I have already referred, when he emphasised the importance of this class of record. Mr. Hockaday was the first in this country to investigate the records of ecclesiastical courts on an extended scale, embracing whole series of act books and the documents connected with them. The example of his patient and persistent work will be an abiding inspiration to other workers in the same field.

To take up the tale of work done since 1850. The Surtees Society published in 1874 *Acts of the chapter of the collegiate church of Ripon, 1452 to 1506*,[1] which contains portions of court act books. The Rev. W. Urwick made great use of the records, especially the act books, of the archdeaconries of St. Albans, Huntingdon, and Middlesex, for his well-known *Nonconformity in Hertfordshire* (1884). In 1891 appeared a volume edited for the Camden Society by A. F. Leach entitled *Visitations and memorials of Southwell Minster*,[2] which includes records of proceedings in the chapter court in cases concerning officers of the church. Miss A. M. Cooke's edition of an *Act book of the ecclesiastical court of Whalley, 1510–1538*, was published by the Chetham Society in 1901.[3] It is a most valuable work. It was the first time that such an act book had been printed in full. In 1908 the St. Albans and Hertfordshire Architectural and Archeological Society issued H. R. Wilton-Hall's *Records of the old archdeaconry of St. Albans, a calendar of papers, 1575–1637*, which includes many papers to do with business in the courts. R. G. Usher used the court records of Ely to great effect in his *Reconstruction of the English Church* (1910).[4] In a paper read before this Society in 1924 [5] Mr. F. X. Fincham of Somerset House brought out the value of the ecclesiastical court records which have found their way there. Professor Claude Jenkins' edition of a 1624 act book of the archdeacon of Taunton's court appeared in 1928.[6] It provides an examplar to which students dealing with such records will always be indebted. In 1928 also, the Oxfordshire Record Society [7] published a most valuable collection of *Churchwardens' presentments in the Oxfordshire peculiars of Dorchester, Thame and Banbury*, edited by Dr. S. A. Peyton. In this work a great many of the presentments are followed up in the act books recording subsequent proceedings. In

[1] vol. lxiv.
[2] new ser., vol. xlviii, pp. 1–95.
[3] new ser., vol. xliv.
[4] see esp. vol. i, chap. 10 ; and Usher's remarks on the value of ecclesiastical court records 'in the aggregate', vol. ii, p. 383.
[5] see *Trans. R. Hist. S.*, 4th ser., vol. iv (1921), pp. 103–39.
[6] Somerset Record Society, vol. xliii.
[7] vol. x.

1938 the Norfolk Record Society[1] published a *Calendar of depositions in the Norfolk consistory court, 1499–1512; 1518–1530*, edited by the Rev. E. D. Stone. The depositions given are from instance cases and are of much value on that account. Mr. A. L. Rowse in his *Tudor Cornwall* (1941) makes much skilful use of the transcripts, by the late Charles Henderson, of the consistory court records of Exeter; and in such a way as demonstrates very clearly the value of such records. Some important contributions to Reformation studies have been made by Mr. F. D. Price, who has made an extensive study of the Gloucester court records.[2]

Further, in the Victoria County Histories of Oxfordshire and of Essex much use has been made of archdeaconry court records for the chapters on ecclesiastical history.[3]

A good many valuable papers in which ecclesiastical court records have been printed in full or calendared, have appeared in the publications of local societies.[4]

[1] vol. x.

[2] esp. 'The commission for ecclesiastical causes in the dioceses of Bristol and Gloucester, 1574', *Trans. Bristol and Gloucestershire Archeol. Soc.*, vol. lix (1938), pp. 61–181; 'Gloucester diocese under Bishop Hooper, 1551–53,' *ibid.*, vol. lx (1939), pp. 51–151; 'The administration of the diocese of Gloucester, 1547–79,' a work which the author has kindly allowed me to see in typescript.

[3] see H. E. Salter in *V.C.H.*, Oxon., ii. 40–5; and J. C. Cox in *V.C.H.*, Essex, ii. 41–7.

[4] V. B. Redstone, 'Sudbury archdeaconry records', *Proc. Suffolk Institute of Archeology*, vol. xi, pt. 2 (1902), pp. 252–65, pt. 3 (1903), pp. 267–300 [deals only with parish register transcripts, terriers and surveys]; A. P. Moore, 'Proceedings in the ecclesiastical courts in the archdeaconry of Leicester, 1516–35', *Associated Architectural Societies Reports and Papers*, vol. xxviii, pt. 1 (1905–6), pp. 115–220 and 593–662; C. E. Woodruff, 'Extracts from original documents illustrating the progress of the reformation in Kent', *Archeol. Cantiana*, vol. xxi (1915), pp. 92–120; F. S. Hockaday, 'Withington peculiar', *Trans. Bristol and Glouc. Archeol. Soc.*, vol. xl (1917), pp. 89–113; F. W. Ragg, 'Fragment of a folio MS. of the archdeaconry court of Bucks, 1491–95', *Bucks. Records*, vol. xi, nos. 1–4 (1919–22), pp. 27–47, 59–76, 145–56, 199–207; J. M. J. Fletcher, 'A century of Dorset documents', *Proc. Dorset Natural Hist. and Antiquarian Field Club*, vol. xlvii (1926), pp. 25–50 [on the court records of the peculiar of Wimborne Minster]; E. G. Beeton, '17th Century Church Discipline, illustrated from a *Liber actorum* of Hadleigh, 1637–41', *Hist. Teachers' Miscellany*, vol. iv, no. 2 (1926), pp. 27–30; W. J. Pressey, 'Seating experiences in Essex churches (Elizabethan and Stuart times)', *Essex Review*, vol. xxxv (Jan. 1926); R. E. B. Hodgkinson, 'Extracts from the act books of the archdeacons of Nottingham', *Trans. of the Thoroton Soc.*, vol. xxxi (1927), pp. 108–53); F. G. Emmison, 'Abstract of an act book of the archdeacon of Huntingdon's court', *Trans. East Herts. Archeol. Soc.*, vol. viii (1928–33), pp. 26–42, 187–94; C. E. Woodruff, 'Notes from a 14th-century act book of the consistory court of Canterbury', *Archeol. Cantiana*, vol. xl (1928), pp. 53–64; 'The records of the courts of the archdeaconry and consistory of Canterbury', *ibid.*, vol. xli (1929), pp. 89–105; W. J. Pressey, 'The records of the archdeaconries of Essex and Colchester', *Trans. Essex Archeol. Soc.*, new ser., vol. xix, pt. 1 (1930), pp. 1–21; J. E. Auden, 'The local peculiar courts of Shropshire', *Trans. Shropshire Archeol. and Natural Hist. Soc.*, 4th ser., vol. xii, pt. 2 (1930), pp. 273–325 [an historical

Unpublished work includes the transcripts of many of the court act books of Southwell Minster by Mr. W. A. James.[1] Many volumes of the Canterbury and York Society contain records of proceedings in visitation courts.

III

Archdeaconry court records in the widest sense comprise, of course, all documents resulting from the multifarious business of the courts. They include visitation records, citations, libels, depositions, act books recording proceedings in court, excommunications, penances, fee books, certificates of performance of various orders, precedent books and exhibits of many kinds. A wide range of causes came within ecclesiastical jurisdiction,[2] and, as the records show, a great number of people, representing a very large proportion of parishes within an ecclesiastical unit, were affected by that jurisdiction. The accumulated records in consequence assumed huge proportions.

These records are chiefly valuable for the abundant material they provide for ecclesiastical and social history[3]; and dealing as they do with the intimate affairs of particular places, their value for parochial history is great.

Other uses may be touched upon briefly. For the important matter of the procedure of the ecclesiastical courts we have in the books of practice[4] only the outlines; it is in the records themselves that we must seek the solutions of the many problems which those books leave unanswered.[5] For the personnel

account of these courts, referring particularly to their jurisdiction in testamentary matters]; C. E. Hodge, 'Cases from a 15th century archdeacon's court', *Law Quarterly Rev.*, vol. xliv (1933), pp. 268–74; W. J. Pressey, 'The surplice in Essex during Elizabethan and Stuart times', *Essex Review*, vol. xlv (Jan. 1936), pp. 36–45; A. L. Browne, 'The peculiar jurisdiction of Bibury', *Trans. Bristol and Gloucester Archeol. Soc.*, vol. lviii (1936), pp. 171–94.

[1] Typescript copies of MSS. of the collegiate church of St. Mary, Southwell, nos. 21, 22, 23, pts. i–iii, consisting of act books, 1537–95, are in Reading University Library: 942.52 stack.

[2] For a comprehensive classified list of causes, see F. S. Hockaday, *Trans. Bristol and Glouc. Archeol. Soc.*, vol. xlvi (1924), pp. 198–200.

[3] Quarter sessions records of the sixteenth and early seventeenth centuries have rarely survived. The records of ecclesiastical courts, which had to a large extent a concurrent jurisdiction, thus supply a great deal of evidence which would otherwise have been lost. Mr. F. G. Emmison kindly tells me that for Essex there is a long parallel series of quarter sessions and archdeaconry court records which provide complementary and often even duplicate evidence. See also S. A. Peyton, 'The Religious Census of 1678', *Eng. Hist. Rev.*, vol. xlviii (1933), pp. 99–101, in which he shows how the minute books of quarter sessons of the parts of Kesteven within the county of Lincoln and the court act books of the archdeaconry of Lincoln supply complementary statistics of catholics and nonconformists.

[4] see above, p. 94, n. 4.

[5] *cf.* Miss Kathleen Major, 'The Lincoln diocesan records', *Trans. R. Hist. Soc.*, 4th ser., vol. xxii (1940), p. 53.

of the courts, from the archdeacon himself down to the apparitors, and including the official principal, the surrogates, the registrars and deputy registrars, the notaries public and the proctors, the records provide materials from which much may be learned as to the functions and activities of these officers, and from which, incidentally, their names when otherwise unknown may be recovered. The characters and careers of these officers should wherever possible be investigated, for much depended on them. This is especially true of the official principal; upon him rested as a general rule the administration of the law (for the archdeacon himself sat as judge but rarely), and the extent of his influence it would be difficult to overestimate.[1]

Much, again, may be learned of the history of ecclesiastical law: of the survival of the older canon law, and the growth of the 'king's ecclesiastical law'. And it must remain impossible to write an adequate history of the spiritual courts until a much more comprehensive study of their records has been made.[2] A great wealth of material for such a history lies waiting its students.

The *ipsissima verba* of deponents found in 'office' act books taken down from their very lips should prove a fruitful field for students of language, particularly of the language of Shakespeare's time.[3]

There is a good deal of interest in these records, too, for the palaeographer. It is unfortunate that in the only considerable study of post-medieval handwriting in England, no consideration is given to ecclesiastical records.[4]

IV

To illustrate the uses of archdeaconry court records for ecclesiastical, social and parochial history, I draw upon a study of the court records of the archdeaconry of Oxford now in the Bodleian Library.[5]

[1] *cf.* F. D. Price, 'An Elizabethan church official, Thomas Powell', *Church Quarterly Rev.*, vol. cxxviii (1939), pp. 94–112; and see A. L. Browne, 'The medieval officials principal of Rochester', *Archeol. Cantiana*, vol. liii (1940), pp. 29–61.

[2] For the history of the courts, see Bishop Stubbs' historical appendix to the report of the Royal Commission on Ecclesiastical Courts, 1883, and W. S. Holdsworth, *Hist. of English law*, vol. i, pp. 580–634.

[3] *cf.* F. P. Wilson, 'Shakespeare and the diction of common life', Annual Shakespeare Lecture, *Proc. of the British Academy*, vol. xxvii (1941).

[4] H. Jenkinson, *The later court hands in England*; see, for some remarks on the palaeography of ecclesiastical records, a review of this work by A. Hamilton Thompson, *The Antiquaries' Journal*, vol. ix (1929), p. 50.

[5] For the accession of these records, see *Summary catalogue of Western MSS. in the Bodleian Library*, vol. v, p. 157; H. H. E. Craster, *Bodleian Quarterly Record*, vol. iii (1922), pp. 223–4; and for some account of their contents, W. H. Turner, *Proc. Oxford Architect. and Hist. Soc.*, new ser., vol. iii, pp. 130–8.

These consist of the following (giving the outside dates, for in each series there are large gaps): twenty-seven act books, ranging from 1566 to 1761 [1]; three volumes of allegations and depositions from 1611 to 1679 [2]; three further volumes of depositions, from 1616 to 1686 [3]; three further volumes of allegations from 1617 to 1670 [4]; two volumes of citations, a miscellaneous collection of seventeenth and eighteenth century dates [5]; four volumes of penances, from 1608 to 1785 [6]; one volume of excommunications, dated 1610 to 1783 [7]; eleven fee books, from 1632 to 1790 [8]; a most valuable precendent book, written in the second half of the seventeenth century [9]; and churchwardens' presentments from 1730 to 1850.[10] There are also five volumes labelled 'Miscellaneous papers, Oxfordshire parishes', [11] and two labelled 'Miscellaneous papers, Oxford parishes',[12] which contain many papers connected with the archdeaconry court: acts, pleas, returns, presentments, licences, exhibits, etc.

The archdeaconry of Oxford was coterminous with the diocese from the foundation of the see in 1542 down to 1836, and the archidiaconal and episcopal jurisdictions were concurrent. Their records were mixed from the first and now it is often very difficult if not impossible to separate them. Among the episcopal records are to be found the following archdeaconry records: five act books recording cases in both the episcopal and archidiaconal courts, ranging from 1572 to 1618 [13]; eight volumes of citations, from 1572 to 1792 [14]; two volumes of depositions, from 1570 to 1596 [15]; and a volume of penances and miscellaneous penalties, from 1693 to 1765.[16]

Among the Oxford archdeaconry records are also several act books [17] and other records [18] of the peculiar courts of Banbury, Dorchester and Thame, which were within the diocese of Oxford; and one act book [19] of the peculiar court of Bibury in the diocese of Gloucester.

All these classes of court records contain valuable informa-

[1] Bodleian Library, MS. Archdeaconry Papers, Oxon. *b.* 1; *c.* 2–27. (Hereafter A.P. = MS. Archdeaconry Papers.)
[2] *ibid.*, *c.* 172–5. [3] *ibid.*, *c.* 118–20. [4] *ibid.*, *c.* 31–3.
[5] *ibid.*, *c.* 116, 117. [6] *ibid.*, *c.* 128–31. [7] *ibid.*, *c.* 121.
[8] *ibid.*, *b.* 2–3; *c.* 1, 122–4; *d.* 1–3; *e.* 1–2. [9] *ibid.*, *e.* 3.
[10] *ibid.*, *c.* 35–44; 46–115. [11] *ibid.*, *b.* 22–7. [12] *ibid.*, *c.* 18–19.
[13] Bodleian Library, MS. Oxford Diocesan Papers *d.* 1, 4–6, 10.
[14] *ibid.*, *c.* 59–60; 106–11. [15] *ibid.*, *c.* 21, 22. [16] *ibid.*, *c.* 101.
[17] A.P., Oxon. *c.* 115 (Banbury), *c.* 158 (Dorchester), *c.* 162, 163 (Thame).
[18] see S. A. Peyton, *Churchwardens' presentments in the Oxfordshire peculiars*, Oxfordshire Record Society, vol. x (1928).
[19] A.P., Oxon. misc. *c.* 2. Extracts from this are printed, with introduction, by A. L. Browne, *Trans. Bristol and Glouc. Archaeol. Soc.*, vol. lviii (1936), pp. 171–94.

tion. For example, in every citation, schedule of penance, schedule and letter denunciatory of excommunication and letter of absolution are to be found, besides the name and style of the official in whose name the document is issued and the date of issue, the names and parishes of persons concerned, a statement of the nature of the case and a brief recitation of the facts concerning it. The certificates of execution of these documents, usually found written at the foot or on the back, contain the names (in autograph as a rule) of the incumbent or curate, the churchwardens, the apparitor, and not infrequently of the parish clerk. Schedules of penance in addition give precise directions for the performance of the penances. They vary greatly and are of much interest.[1] Fee-books are well worth careful investigation. They are better kept and better written than any other class. As well as records of the payment of fees in connexion with instance cases, they contain records of fees for marriage licences, licences to schoolmasters, physicians and midwives, administrations, faculties, etc., in each case giving dates and the names of the persons concerned. These details, I have noted, often supplement defective series of marriage bonds and supply names and dates of clergy and local officials when these are otherwise missing, as well as giving many other details and clues. A feature, almost peculiar to fee books, is that they were frequently used for memoranda. On the back pages (inverted) are to be found, with much else, lists of instruments to be transcribed, instruments to be sent out, persons to be cited, with the faults and causes (for the writing-out of citations, no doubt), notes of searches to be made among the records; all of which, besides their intrinsic interest, throw much light on the business of the registry.

V

In a paper such as the present it is necessary to be selective, and I shall deal chiefly with the evidence of the act books, and of these particularly the *ex-officio* books, from the time of Elizabeth down to 1640. After that date ecclesiastical jurisdiction became more and more circumscribed, and while the court records still have much of value and interest, they do not compare with the earlier records in the wealth of historical material they provide. It is unfortunate that the Oxford act books, unlike the splendid series of act books of the archdeaconry of Berkshire, also in the Bodleian Library,

[1] *cf.* Hubert Hall, 'Some Elizabethan penances in the diocese of Ely', *Trans. R. Hist. Soc.*, 3rd ser., vol. i (1907), pp. 263–77.

do not form a continuous series. There are large gaps, so that it is not possible to compile from them statistics upon which valid generalisations can be made. But they are of great value for the testing of generalisations and they provide a mass of evidence not to be found elsewhere. To strengthen the grounds for certain conclusions, therefore, I go also to the much more extensive Berkshire act books.[1]

It is in Elizabeth's reign, at Oxford as elsewhere, that the local ecclesiastical court records become numerous. Probably never before or since has there been such close ecclesiastical supervision.[2] All the evidence goes to show that very little can have escaped the meshes of Mr. Archdeacon's wide-flung net. It is to these records that we must go if we would study the Elizabethan church from within, and as it were from below, parish by parish, deanery by deanery. It is these records, together with the presentments of churchwardens and visitation returns, which provide the complement to the study of visitation articles and injunctions and orders of various kinds which came from above ; which intimately relate those articles and injunctions and orders to everyday life, and clothe them ' with something of the palpitating life and very practical interest which once belonged to them '.[3]

The great collection of documents edited by the late Bishop Frere and Professor Kennedy have mightily illumined this period.[4] Now we want the other side of the picture. What was the relation of visitation articles to the actual state of affairs ? Were they merely formal questions ? How far were the injunctions carried out ? Dr. Kennedy himself directs us to the sources whence answers to these questions may be sought, urging the exploitation of ecclesiastical court records and desiderating nothing less than a complete survey of all of such records that survive.[5]

Such a thoroughgoing investigation is indeed especially urgent for the Elizabethan period, for then the official injunctions and orders received an almost infinite variety of interpretation. Ecclesiastical law was in a state of flux, feeling

[1] A.P., Berks. *c.* 3–92, covering the years 1535 to 1795.

[2] *cf.* W. H. Frere, *The English Church in the reigns of Elizabeth and James I*, p. 100.

[3] W. P. M. Kennedy, *Elizabethan episcopal administration* (Alcuin Club Collections, xxv–xxvii), i. xxxii.

[4] W. H. Frere and W. P. M. Kennedy, *Visitation articles and injunctions of the period of the Reformation* (Alcuin Club Collections, xiv–xvi), and W. P. M. Kennedy, *op. cit.* And see W. P. M. Kennedy's list of visitation articles and injunctions for 1604 to 1715 in *Eng. Hist. Rev.*, vol. xl (1925), pp. 586–92 ; vol. xli (1926), pp. 577–9.

[5] W. P. M. Kennedy, *Eliz. epis. admin.*, i. xxvii.

its way, as it were, to the codification of 1604; and the judges in the church courts 'had a fairly free hand in declaring law as they went along'.[1] Moreover, this period is in a special sense the formative one in the history of the English Church; the old order was passing, and the typical Anglican order was gradually emerging. I think it would not be too much to say that Elizabethan church history will not rest on a truly sound basis until there has been a much more adequate study of ecclesiastical court records than has hitherto been attempted, and until the cumulative evidence of the multitude of tiny facts which those records provide has been worked mosaic-like into a picture of which at present we have only the outlines.

Here, then, in these Oxford and Berkshire records we find the archdeacon's court sitting regularly in term time, for many years weekly, and throughout the period until 1640 at intervals of never more than three weeks. The supervision of clergy, church officials and laity is thorough; injunctions and orders are carried out with even meticulous care. It has become almost a tradition to regard Elizabethan ecclesiastical administration as slack; but here, in these two archdeaconries at any rate, no such slackness is to be found. But we need evidence such as these records afford archdeaconry by archdeaconry and diocese by diocese wherever possible throughout the country before we can reach reliable conclusions upon this subject.[2]

Much light is thrown upon the state of the clergy. We meet them frequently and individually. From the depositions we can often learn something even of their personal characteristics. We learn how their people regarded them; how they conducted the services, and about the irregularities so frequently introduced into those services; about the neglect of catechising and baptism; about irregularities in the administration of baptism and Holy Communion; about irregularities of clerical dress inside and outside of church; about perambulations of parishes; about clerical studies and non-performance of set 'exercises'; about plurality and non-residence, non-attendance at visitations, unlicensed preaching and clerical immorality.

With regard to the fabrics and furniture of churches, our records provide us with abundant information. Again we find welcome detail: about the walls, the roofs, the glass, the holy

[1] F. W. Maitland, 'The Anglican settlement', *Camb. Mod. Hist.*, ii. 589.
[2] *cf.* F. M. Powicke, *The Reformation in England*, pp. 122–3; and W. H. Frere, *op. cit.*, i. 168–9.

table, the church books, the furniture. Churches were generally in a bad state at the beginning of the reign, but constant insistence on the proper care of buildings and goods had its effect, and gradual improvement is very noticeable.[1]

The evidence as to the survival of 'relics of popery' is valuable. We learn in detail much about the fate of the vestments and ornaments.

Great care was taken to rescue the church and churchyard from mundane uses; constant efforts were made to eliminate marketing, sports, dancing and plays. This was, of course, no new thing: the only difference is that now prohibitions seem to have had more effect. Some vivid vignettes of sixteenth- and seventeenth-century life are found in depositions in cases of this kind.

Church officials were also closely supervised, and any neglect of duty on the part of churchwardens, parish clerks or others, was pretty sure to be brought to the notice of the judge and the offenders admonished or punished.

As to the laity, their conduct was very thoroughly overlooked on all seven days of the week. Absence from the parish church on Sundays and holy days, failure to receive Holy Communion at Easter in the parish church, misbehaviour in the church or churchyard, working or selling, hunting or fishing on Sundays and holy days, were all matters dealt with by the court; and from the incidence of such cases and from the excuses and explanations put forward, there is much to be learnt. Local historians may frequently recover names of inhabitants who lived in the years for which parish registers and register transcripts may be missing. Cases of immorality are very frequent: but the proportion of these cases to other cases has often, I think, been greatly exaggerated. It may be remarked in passing that it is, of course, useless to attempt to generalise or moralise upon such evidence as we have in records of this kind. But we do see from them how minutely the morals of the people were supervised. And, again, the evidence is illuminating on the life of the times.

Much valuable information is forthcoming in cases to do with the marriage contract.

As to that important matter of social history, the keeping

[1] Especially when we have materials for comparison, as for Oxfordshire in H. E. Salter, 'An episcopal visitation of Oxon. Churches in 1520', *Report of Oxon. Archeol. Soc.*, no. 70 (1925), analysed by G. G. Coulton in *Mediaeval panorama*, p. 176; printed also by A. Hamilton Thompson in *Visitations in the diocese of Lincoln, 1517–1531*, Lincoln Rec. Soc., vol. xxxiii (1940), vol. i, pp. 119–40. See also H. E. Salter, 'A visitation of Oxfordshire, 1540', *Report of Oxon. Archeol. Soc.*, no. 75 (1930), pp. 289–307.

of the Sunday, we may say that an ounce of the evidence to be found in these court records is worth a pound of the rhetoric of pamphlets and sermons; and that evidence must be taken into account if we are to get true ideas on the subject. Cases to do with behaviour on Sunday are very numerous. Our records bear out the conclusions of Mr. W. P. Baker in his masterly survey of the Sunday question in the times with which we are dealing. 'There is no reason to suppose', he says, 'that the Reformation brought any immediate change either in popular practice or in the royal and ecclesiastical policy in regard to Sunday.'[1] And under Elizabeth and later, we see the distinction of the canon law between *opera servilia* and *opera liberalia* still preserved, and the people of these rural districts going after service time to their sports and amusements as they did in former times. 'Necessary' work was given a wide interpretation. It is true, as it appears, that anyone seen working at all was presented and cited to court; but if he could offer an excuse in any way tolerable he was dismissed. There were very few convictions indeed in cases of this kind; and I have not met a single one in which a person is cited for playing games or otherwise amusing himself on a Sunday or holy day, so long as it was not during service time.

Other cases concerning the laity include non-payment of church rate and other church dues, especially the allotted and customary share towards the reparation of the church fence (or 'mounds' as they were called in Oxfordshire), about which many interesting local details are available; blasphemy; drunkenness (very rarely met with in these records); harbouring; contumacy and contempt of court, from the depositions in which we get some valuable sidelights on how the courts were regarded; schoolmasters, physicians, surgeons and midwives practising without licence; and matters to do with the proving of wills, granting of administrations and making of inventories, where there is useful matter for the local historian and genealogist.

It is noteworthy that the archdeacon's court at Oxford was not concerned with Roman Catholic recusants until after 1660. Of those mentioned in the various lists available (and recusants were numerous in Oxfordshire), not one is to be found in these records.

Cases of witchcraft and sorcery are fewer than might be expected. Probably they were dealt with elsewhere. Such

[1] 'The observance of Sunday' in *Englishmen at rest and play*, ed. R. Lennard, p. 81.

cases as do occur concern the ordinary witchcraft of the countryside and are interesting for that reason.

I have found no case of usury.[1]

From 1604 to 1640 the act books retain their interest and yield the same kind of material as before. The judges had now before them the code of canons of 1604, and the cases, in the main, are the result of the carrying out of the orders contained therein.

After 1660, it may be mentioned, Quakers are found cited in large numbers. Their names and the evidence forthcoming concerning them are most valuable. We have here an almost entirely untapped source for the history of the Society of Friends and for the relations of its members with the Established Church.

VI

As to the interpretation of the evidence of the court act books and depositions the obvious fact should never be forgotten that we are in them dealing with penal and contentious matters, and that therefore our guiding principles must be those which are applied to all evidence brought forward in judicial proceedings.

Some other factors must also be considered. It is certain that in their presentments churchwardens, clergy and others were sometimes moved by unworthy motives, especially by personal grievances. On the other hand, remembering the checks and balances which obtained in the sixteenth- and seventeenth-century parish between clergy, church officials, apparitors and people, we may take it that unjustified presentments only rarely succeeded and further that very little really amiss can have escaped detection, more especially faults of the clergy and officials.

It is clear that citations were made out upon a selection of detected faults. The principles which governed selection varied from time to time and from place to place; and it is generally impossible to say what they were, except that periodically it appears that there were campaigns against particular faults in particular areas, to the almost entire neglect of other faults which could not have been so entirely absent.

From evidence elsewhere we know that officials, including the highest and the lowest, were sometimes actuated more by the desire of fees than zeal for the good of souls; that bribery

[1] See, on cases of usury in ecclesiastical courts, R. H. Tawney, *Religion and the rise of capitalism* (1926), pp. 50–5, 159–63.

and corruption and even blackmail were far from being unknown. It is clear that the complaints which had long been made against the courts, although often exaggerated, were not without foundation.[1] These complaints came to a head and received vehement expression by the extreme Puritans in the reign of Elizabeth and later. Corrupt officials, vexatious procedure, the *ex officio* oath, excessive fees, the use of excommunication and the practice of commutation of penance all came in for severe censure.[2] But as far as the Oxford and Berkshire records are concerned there is throughout these years no evidence of corruption or of excessive fees [3] and the commutations seem reasonable. The overwhelming impression is that, within the limits of the system, there was just and considerate dealing.

The orders of the courts were frequently ignored: people were cited repeatedly and did not appear; people remained long excommunicated.[4] Nevertheless, the authority wielded by the courts was by no means an empty one. In the great majority of cases the accused did eventually submit themselves to judgment, and the excommunicated, when the consequences of the sentence became inconvenient, usually appeared and sought absolution.

The truth is that the local ecclesiastical courts varied greatly in efficiency and just dealing. On the whole we may say that where there was honesty in the officials, and bearing in mind the provisos already stated, the records of these courts give us, at the least, reliable clues to the truth, and a mass of information which we cannot afford to neglect; while when there are long series of continuous records it is probable that from them might be constructed statistics which would form the bases of sound generalisations. The depositions and answers made in court abound in details, often of fascinating interest, which enable us to read between the lines of administrative orders. It is in these depositions, often in the racy rigmaroles of the actors themselves, that we find opened 'here and there a brilliantly lighted peephole into the blackness of the remote past'.[5]

[1] *cf.* W. P. M. Kennedy, *op. cit.*, pp. cxxvi–cxxix.

[2] see A. Peel, *The seconde parte of a register*, i. 179, 207, 268; ii. 3, 11; *et passim*.

[3] The fees in the Oxon. books correspond closely with those set forth in Whitgift's Table of 1584, repeated in 1597 and confirmed by the 135th canon of 1604. For this table see J. Ayliffe, *Parergon*, p. 551; also in R. Burn, *Eccl. Law*, 5th ed., ii. 236–41.

[4] *cf.* F. D. Price, 'The abuses of excommunication and the decline of ecclesiastical discipline under Elizabeth', *Eng. Hist. Rev.*, vol. lvii (1942), pp. 106–15.

[5] The phrase is Prof. G. M. Trevelyan's, in another connexion.

VII

It is difficult to select examples from these court act books, where almost every folio has something of interest. But we may take a few, almost at random, from the act book of the archdeacon's court at Oxford for the year 1583.[1]

On 19 November, before Dr. Thomas Glasier, official principal of the archdeacon of Oxford, sitting in his court in St. Martin's church in the city of Oxford, appeared William Hawkins of Middleton in a case concerning church goods.[2] The clerk notes that Hawkins had been cited the Monday before, that he now appears, and having been sworn answers to the bill of detection

> that being churchwarden he had certeyne churche goodes which at the end of his yeare he delivered vp, and hath at this present hath [*sic*] but one peace of a cope which he payed xii*d*. for to William Nixon and William Capper.[3]

Hawkins is admonished to bring the said goods into court. In the margin the clerk notes

> that there weare belonging to the churche copes, vestmentes, crosses, censers and other churche goodes.[4]

Hawkins is followed by others of Middleton who had all been cited on the same day. William Nixon next appears and confesses

> that he hathe a peace of a coape and a peece of a crosse and noe other thing or churche goodes and hath payed nothing to the churche for yt as yet.[5]

Then comes Simon Hawkins and confesses

> that he hathe none of the churche goodes but one peece of a coape . . . [and] that he changed the chalece of the parishe into a communion cuppe of the valewe of iii*l*. what the valewe of the chalece was he knoweth not, or howe manie ownces.[6]

He is monished to bring in the goods within a fortnight. Richard Smith appears, and it is noted

> he hath a peece of a coape and noe other church good.[7]

He likewise is monished to introduce it. Simon Smith follows and confesses that

[1] A.P., Oxon. *c.* 5.
[2] *cf.* Frere and Kennedy, *Visitation articles and injunctions*, vol. iii, pp. 2, 4, 16, *passim*; Kennedy, *Elizabethan episcopal administration*, *passim*.
[3] A.P., Oxon. *c.* 5, fo. 64. [4] *ibid.* [5] *ibid.*
[6] *ibid.*, fo. 64b. [7] *ibid.*

> he hath a peece of a coape as his neighboars have, and a candlestick which he solde away bye consent of his nayboare Carter for xii*d*., and hath answered to the churche as yet nothing for yt.[1]

Finally William Carter also confesses to having a piece of a cope, and likewise has to bring it in.

Cases concerning defects of church goods nearly always go into illuminating particulars. One of the churchwardens of Bradwell appears and admits

> that theire bible is not a sufficient bible for the churche and that they lack a cheste for to putt in theire surples, bookes and other implementes of the churche, but he confesseth that they have a poore man's boxe, and further he confesseth that yt raineth into the churche in manie places and further he saieth that the glasse windowes be not broke.[2]

The churchwardens of Pyrton are cited for not repairing their church. William Rose, one of the wardens, appears and says

> that the churche is sufficientlye repayred both within and withowte in led, timbre, stone and all other thinges.[3]

He is dismissed; and certainly the church must have been in excellent condition, judging from the large amounts expended in repairs during several years before 1583, as we learn from the churchwardens' accounts.[4] There are many such cases throughout these act books where churches are alleged to be in disrepair, but which appear upon investigation of the cases in court to be quite in order. It is often the same with cases concerning clerical immorality and other faults of the clergy and of the laity. When this or that was presented it often means only that this or that was as it was said by rumour to be. Visitation returns do not tell the whole story; and court books give much food for thought as to our evaluation of those returns.

An example of an interesting local touch comes from Burford. The case is against John Clark, who replies,

> that Joan Silvester hath a barne on the south side of the churche and vsuallie shee hath had a carte way throughe the churcheyard and the sayde barne, which waye this deponent vsed to the

[1] *ibid.*

[2] *ibid.*, fo. 69b (for poor box *cf.* Frere and Kennedy, *op. cit.*, iii. 3, 16, *passim*; for bible, *ibid.*, p. 10, *passim*).

[3] *ibid.*, fo. 96. Official orders for the good keeping of churches were constant throughout the reign, and the archdeacon's court at Oxford was zealous in enforcing them. *cf.* Frere and Kennedy, *op. cit.*, esp. iii. 285.

[4] see *Churchwardens' accounts of Pyrton, Marston and Spelsbury*, ed. F. W. Weaver and G. N. Clark, Oxfordshire Rec. Soc., vol. vi (1925), p. 75.

> barne latelye because he tooke soome grownde of his sayde mother and thither brought his corne, and thinketh that theare is a tribute payed in respect of the same waye.[1]

Here one of the best known local families is mentioned, and when the information given is linked with that of the deeds given in Mr. R. H. Gretton's *Burford records* [2] we get an interesting little addition to local topography.

From the 1584 act book [3] there are many interesting cases concerning the clergy. That against Henry Wise, curate of Hornton, shows an exact carrying out of the Injunction of 1559 dealing with clerical participation in games. The curate answers :

> that he is not a quareler nor table player other than with honest gentlemen and at honest and convenient tymes, he is no dice player nor doth he vse any rybalde talke. *Fatetur* that one Hawke did disturb him in his service and therevpon he willed the churchewardens to carie him owt of the churche, and otherwise he did not brawle.[4]

He was dismissed with a monition.

Details of the personal characteristics of the clergy are frequently met with. For example, in the case against John Planstopher of Bicester 'for raylinge against Mr. Sawle, a preacher, calling him knave and plagye knave, and lykwise against Mr. Robert Phippes, vicar of Bicester',[5] Planstopher confesses

> that on Sundaye, the third of Maye, 1584, afternone, Mr. Phippes the vicar of Bicester, and Mr. Saule, a preacher, passed bye the howse of this respondent whoe then sate on his blocke at the churche walk in Bicester, and Mr. Phippes and Mr. Saule passing bye were talking of a plague of God insoemuch as Mr. Saule sayd when they came neare this respondent, call you this the plague of God, meaning this respondent as he tooke yt. Whereunto this respondent sayde a plague on a knave.[6]

The sentence, unfortunately, is not entered, and the case does not appear again in this or subsequent act books.

John Cadbury of Wheatley is before the court for excess ringing of bells. He confessed

> that he was ringing at Halton upon the birthedaye of our soveraigne ladie the Quene, in memoriall of her majestie, and

[1] A.P., fo. 54. [2] pp. 322, 323. [3] A.P., Oxon. *c.* 7.
[4] *ibid.*, fo. 66. (For clerical participation in games, *cf.* Frere and Kennedy, *op. cit.*, iii. 2, 11, *passim.*)
[5] *ibid.*, fo. 69b. (For railing against ministers, *cf.* Frere and Kennedy, *op. cit.*, iii. 4, *passim.*) [6] *ibid.*

> thereupon the parson came into the churche and took this respondents hatt lying upon the font and threwe yt owte of the doeres, and thereupon this respondent sayed vnto the parson, yf that he wolde serve him so in another place he wolde give him a boxe on the eare.[1]

Cadbury had to submit himself to the rector and admit his fault, and to appear and certify the performance of the same on the next court day.

William Woodward of Bampton is in trouble for striking a cleric. He said

> that on Fridaye senight last this respondent coming from Lew towardes Bampton in the cumpanie of Sir Hiate, curate to Mr. Dotin of Bampton, Sir Richard Palmer, curate of Brize Norton vpon occasion of evill woordes vtered bye the sayde Sir Hiate agaynste this respondent, this respondent gave him a litle blowe with a smale coogel over the back and vsed noe other violence agaynste him, and is sorie for that [he] hathe doone yt.[2]

The judge pronounced him excommunicate.

Cases to do with misbehaviour in church and churchyard are very numerous. Richard Cumber of the parish of St. Ebbe's, Oxford, is accused of brawling upon Easter Day. He denies

> that he did either chide or brawle in the churche or churcheyarde, savinge that beinge vrged thervnto by the churcheman who called him, this respondent, arrant knave, said that he was not so arrant a knave as the said churchman Mathew Atkins was a lowsie knave, and this was all that this respondent said.[3]

He was dismissed with a monition.

The churchwardens of Duns Tew are cited 'for keping enterludes and playes in the churche and brawling in the churche abowte the same with one old Poulton and caused Poulton to be cited to D[r.] Floides courte, and allso for shoting and gamning in the churcheyarde vpon theire weekedays or evening prayer'.[4] The wardens confessed

> that there was an enterlude plaide in the churche of Dunstewe vpon a Saterdaye in the evening after service was donne abowte

[1] *ibid.*, fo. 87. (For ringing of bells on the Queen's Day, *cf.* Frere and Kennedy, *op. cit.*, iii. 257.)

[2] *ibid.*, fo. 15b. (For laying violent hands on a clergyman, *cf.* Frere and Kennedy, *op. cit.*, iii. 380.)

[3] *ibid.*, fo. 23. (For brawling in church, *cf.* Frere and Kennedy, *op. cit.*, iii. 2, 5.)

[4] *ibid.*, fo. 121. Dr. Floyd (or Lloyd) was one of the guardians of the spiritualities for the diocese of Oxford and sat as judge in the episcopal court. (For keeping of interludes and plays in churches, *cf.* Frere and Kennedy, *op. cit.*, iii. 209, 271.)

> iii weekes or a moneth agoe, but by whom they knowe not, nor whose men they weare, and by the consent of Robert Mesie, one of the churchewardens. And they saye further that there was no brawling with Poulton at that tyme. But John Castell saithe that he caused Poulton to be cited before Mr. Dr. Floide because he burdened this respondent for presenting his daughter for disquieting of her neighbours and allso called this same John Castell false forsworn knave. They confesse further that vpon the Sundaye after our first Laydie daye being theire wake day there weare certen strangers which weare at theire wake which did shoote at the tyme of evening prayer whose names hereafter followe: John Littell of Barton, Hide of Dadington [Deddington], Anthonie Androes of North Aston and others whose names they remember not.[1]

No sentence or other note is added, and the case does not again appear.

To turn to the act book for 1633–4.[2] In it we see a remarkable reflection of a general tightening-up of discipline. On the other hand we can often trace in the depositions a growing contempt for the court and flouting of its authority. There was particular insistence on the regular teaching of the catechism; on the reading of the services strictly as set forth in the Book of Common Prayer; on the provision of a decent holy table set at the east end of the church.

Richard Chapman of Stoke Talmadge was one of the many cited in this book for not sending his children and servants to be catechised. He replied

> that hee beeing asked by Mr. Barker why hee did not send his children to bee catechized, hee answered him and asked what hee would have him doe for hee had given them warning, and without hee should bring them upon his backe hee knew not how to bring them.[3]

He was dismissed with a monition.

Thomas Carpenter of Hardwick was cited for not repairing his part of the church mound or fence. He answered that 'he would not repair any parte lett them all doe what they could'.

The judge (Dr. Giles Sweit) ordered him to appear on the next court day; whereupon the 'said Carpenter in a geering and derisive manner departed the courte, clappinge on his hatt'.[4]

Thomas Mayor and Samuel Gittons, churchwardens of Bloxham, are summoned to the court, and are asked

[1] A.P., Oxon. fo. 121. [2] *ibid.*, *c.* 12. [3] *ibid.*, fo. 35. [4] *ibid.*, fo. 54.

whether theire Vicar doth not reade the prayers of the church in a confused and abrupt manner, they answeare and confesse that he doth reade the same by peace meale, vizt., hee readeth one parte of the Letanie or procession on Sundaye and another parte another Sundaye neither doth hee reade the other prayers in order as they are sett downe in the booke of prayers. Being father demanded why they did not present John Westly the late churchwarden for not givinge in his accompt they confesse hee hath not given his accompt as yett and they had presented him once but they did blott him out of theire presentment.[1]

The judge accepted their answer but admonished them to appear on the next court day. The vicar of Bloxham, Roger Matthews, himself appeared at a later session in the house of Dr. Sweit, the official principal, and confessed

that hee hath heretofore some Sundayes reade some parte of the prayers in the Booke of Common Prayer of our church, and some part of the Letanie and omitted some parte thereof, and hee pretendeth the reason thereof to bee his age and weaknesse of body.[2]

At this date Matthew was, according to Foster, only 58 ; and the judge although accepting his answer in the technical sense, yet ordered him

all excuses layde aside that from henceforth while hee doth officiat the cure of soules in Bloxham that hee doe reade the whole service for the days as is prescribed in the Booke of Common Prayer once at the least every Sunday in his owne person, or in case he shall desire to substitute any other not to admitt any to officiate the cure there but such as shal bee lawfully licensed thereto.[3]

Mr. Auldis, vicar of Adderbury—the famous Dr. William Oldys, the fervent royalist and laudian in a puritan parish—presents his churchwardens William Wycott and John Goodwin. The judge orders them

to remove those pewes which are annexed to the readinge pewe in the midle ile of theire churche, and to place the parishioners that sit there in some convenient place in theire churche, as allso to provide a decent communion table.[4]

A most interesting case, which gives us a glimpse of a conventicle from the inside, comes from Harpsden. Vincent Beckley of that parish is asked

what they did in Thomas Jones his howse when hee himselfe and those parties presented weare there with a bible before

[1] *ibid.*, fo. 69b. [2] *ibid.*, fo. 86. [3] *ibid.* [4] *ibid.*, fo. 363b.

> them, hee sayth hee, this respondent, and the said parties did meete together in the said howse there to make tryall what they could remember that Sunday of the sermons they had hearde, and the bible beeinge open, they did looke out the proofes, but whither they singe psalmes or noe he cannot remember, and hee sayth he hath beene in the saide howse with other of the parishioners of severall families divers tymes within this yeare last past where they have rehearsed soe much of the dayes sermons as they could particularly and severally remember, and have sunge psalmes and reade some bookes, but what bookes he remembreth not.[1]

The judge admonished him ' to enquire what bookes they were that were there read ' and to certify on the next court day. Three others of the same place appear and the clerk enters by their names merely ' similiter '. Then comes John Gage, who said

> that he was present at the tyme presented with the parties presented in the howse of Thomas Jones on a Sundaye after eveninge prayer and sermon, where they had a bible before them, and they did there rehearse every man as his memorie did serve him some parte of the sermon hearde that days, and did vrdge theire proofes of scripture out of the bible present, and they did singe a psalm there, and he further confesseth that within this yeare or twoe last past hee hath severall tymes beene present in the said Thomas Jones his howse, sometymes with all the said companie, and sometymes with some of them at the like exercise.[2]

Vincent Beckley appears at a later session to give fuller information, and he answers

> that he hath made enquirie and he findeth that at theire meetings by him predeposed they did reade these books, vizt., Mr. Phippes workes, Dr. Sybbs and Dr. Prestons, and the book of homilyes.[3]

There is space to say only a few words about the voluminous and valuable records of instance cases. The act books recording cases of this kind are little more than registers of the stages in the progress of cases ; for the details we must turn to the libels and allegations and depositions. Records of defamation, marriage and testamentary cases are full of material for the social historian, and those of defamation cases have also something to contribute to the history of law.[4]

[1] A.P., Oxon. fo. 344. [2] *ibid.*, fo. 344b.

[3] *ibid.*, fo. 360. For Richard Sybbs and John Preston, see *D.N.B.* Both were well-known Puritan divines who published volumes of sermons.

[4] *cf.* W. S. Holdsworth, ' Defamation in the 16th and 17th centuries ', *Law Quarterly Rev.*, vol. xl, nos. 1, 2 ; vol. xli, no. 1 (1924, 1925).

From tithe suits much may be learned of the law and history of tithes. This is especially significant in the late sixteenth and early seventeenth centuries, and has wider implications than have yet been worked out [1]: these records, if studied on a wider scale, have probably an important contribution to make. There are valuable sources for economic and agricultural historians in the various exhibits sent into court in connexion with these cases, particularly the tithe surveys, and the accounts with their welcome additions to our records of prices [2]; while parochial antiquaries will find, among other things, much about local customs and lists of field names with their locations, rarely to be met with elsewhere.

To take two examples, again almost at random. In the case of Hugh Dicus, rector of Steeple Aston, Oxon., *v.* Sir Richard Fermor concerning tithes,[3] the depositions of the numerous witnesses and the exhibits sent in between them throw up a full picture of the agricultural economy of the parish at that date (1616) and for many years before, for as usual the oldest inhabitant is called and has—much to our profit—his lengthy say. And, to leave such matters aside for the moment, an example of an odd *trouvaille* of the kind one is constantly meeting in these records is the following:

> A true note of how many rudges and acers of land are belonging to the gleebe land of Steple Aston that were sowen the last yeare, 1616.[4]

In this list, among the field names are two, Yerlinge furlong and Hunnison forde, not listed in C. C. Brookes' *History of Steeple Aston*,[5] a model of careful research.

Or, to turn to another volume, among the exhibits connected with a tithe case at Tackley in 1770, there is a document described as 'The proper course or four quarters of Tackley Common Fields and commonable places in Tackley and Nethercote',[6] in which is found a full description with very many field names and exact acreages, followed by a detailed plan with names, present and former.[7] Then comes another list entitled 'The parishioners have a right of common as follow',[8] in which we have set out in tabular form

[1] *cf.* Miss Margaret James, 'The political importance of the tithes controversy in the English Revolution', *History*, new ser., vol. xxvi (1941), pp. 1–18.

[2] *cf.* J. H. Chapman, 'Tithe surveys as a source of agrarian history', *Cambr. Hist. Jour.*, vol. i (1924), pp. 201–8.

[3] A.P., Oxon. *c.* 173, fos. 258–72. [4] *ibid.*, fo. 259.

[5] pp. 18–21. [6] A.P., Oxon. *c.* 26, fo. 640.

[7] *ibid.*, fo. 641. [8] *ibid.*, fo. 643.

the names of all the proprietors and occupiers, the number of cottages, the numbers of animals, acreages, etc.

Dilapidations suits are also fruitful sources of information. As a rule, they go to great length. To take a typical case, additionally interesting because of the plaintiff, William Juxon, rector of Somerton, *v.* Thomas Harris, son of the previous rector (1616).[1] It extends to twenty-nine large, closely-written folios. We have full descriptions of the state of the chancel and parsonage house from the standpoints of the witnesses on both sides; estimates for repairs from masons, plumbers and carpenters, with full details as to costs; and many facts to do with the architectural history of the church not obtainable elsewhere.

Exhibits are to be found in great numbers in connexion with cases of other kinds. The archdeacon's court, like other courts, was a kind of magnet which drew to itself documents of many descriptions. At Oxford these exhibits are for the most part to be found bound up in volumes labelled 'Miscellaneous papers'.[2] There are, among other things, inventories of goods in connexion with testamentary cases; lists of church goods at various dates and lists of parochial charities from the majority of Oxfordshire parishes; plans of churches and churchyards; catalogues of parochial libraries.

Applications for faculties brought forth full descriptions of churches, often accompanied by plans. From Bloxham, Oxfordshire, in 1813, for example, there are papers relating to an application for a faculty to re-arrange some of the pews and to build seven or eight more, for parishioners 'who', to quote the vicar's letter, 'have at present no pew nor seat in the church, their houses having been the property of dissenters. Not having Burn's *Ecclesiastical Law* in my possession', he goes on, 'I drew up what I conceived a sufficient statement of the case.'[3] There follows a letter[4] from the registrar, Andrew Walsh, addressed from the archdeacon's court, asking for full particulars and suggesting that a plan would be helpful. These were duly sent and duly preserved. In them we have a full account of the pewing of the church with box pews, the distribution of the congregation by name according to status, the position of the three decker, and historical notes on conditions prevailing fifty and more years before.[5] This information about the arrangements which prevailed before

[1] A.P., Oxon. *c.* 174, fos. 196–225.
[2] see above, p. 100, n. 11.
[3] A.P., Oxon. *b.* 22, fo. 268.
[4] *Ibid.*, fo. 370.
[5] *Ibid.*, fo. 373 is the vicar's (George Bell's) letter containing the account; fo. 374 is the plan.

the restoration of the church is not to be found anywhere else; as is so often the case, no drawing of the interior of the church before restoration is extant.

The value of papers of this kind for parochial history is obvious; yet it has remained almost wholly unrecognised, and in Oxfordshire they have not been used for any parish history, so far as I am aware.

VIII

Finally, let us consider the present state of archdeacons' court records. Mention is made above of the well-known difficulty of access to ecclesiastical records generally. We should recognise, however, that things have improved during, say, the last twenty to twenty-five years: there is a better spirit abroad. But still only a beginning has been made.

The 1932 survey of the Institute of Historical Research [1] produced some useful information, but it must be admitted that a large proportion of the replies concerning the present subject were not satisfactory. As with most such questionnaires, these replies were made 'with greater or less accuracy and completeness'; and what has been found of previous returns may also be applied to this latest one: namely, that 'generally speaking the contents of a repository are likely to prove more extensive' than the returns suggest; and that when the answer was given 'no historical records', this 'merely implies that there are none in the custody of the appropriate official'.[2]

The fact is that these court records, no less than many other classes of records, tend to wander widely. They may be found, for instance, among records taken over by the Ecclesiastical Commission; in probate registries; among capitular records.

The whole file of depositions in the tithe case of Juxon *v.* Harris mentioned above was found among the university archives at Oxford.[3] And, of course, ecclesiastical court records frequently find their way to the offices of lawyers whose predecessors held official ecclesiastical positions. Dr. J. C. Cox has described how he found the voluminous records

[1] see above, p. 93, n. 2.

[2] *Bulletin of the Inst. of Hist. Research*, Suppl., no. 1 (June 1932), pp. 1, 2.

[3] A note by Dr. R. L. Poole, Keeper of the University Archives, inserted at A.P., Oxon. *c.* 173, fo. 196, states that 'John French was a proctor in this suit, and it may be presumed that, when he was made Registrar of the University in 1629, the file passed into his office through inadvertence'.

of the archdeaconry court of Essex in a large rambling attic at the top of a lawyer's office in Chelmsford.[1] Many of the court records now in the Bodleian Library have come from Messrs. Morrells, a firm of solicitors in the city of Oxford. The case is interesting, and makes it easy to imagine how records of this kind get mixed with papers connected with other activities of lawyers. Messrs. Morrells, for instance, besides acting as secretary to the bishop of Oxford and chapter clerk of Christ Church, were the university solicitors and stewards of several Colleges. They served as secretary for collections for the relief of emigré French clergy, and county treasurer under the Militia Act.

It is often said of ecclesiastical records that although they may be among the most difficult to get at, and are badly kept, yet little has been actually destroyed. Of the official repositories this is probably true. But it is another story when there has been migration, when the records have passed into private hands, when doubt arises as to ownership. We know that in fact much has been lost. What must be the classical case of disappearance is that of the archdeaconry records of Middlesex, the very ones used by Hale in his *Precedents and proceedings*; for when the record keeper of that archdeaconry was called in to give evidence before the royal commissioners in 1914 he had to tell them that the judicial records had gone, that to his knowledge they had not been in the registry since 1878; and that, further, nothing whatever was known of their whereabouts.[2] And from time to time we hear disturbing stories like that which the late earl of Crawford told the Society of Antiquaries some years ago in his presidential address. 'One day', he said, were discovered 'some sportive clerks in a solicitor's office who had tied the records of a peculiar jurisdiction into a round bundle, which they used as a football'.[3]

There is much scope here for interested persons, working in conjunction with the British Records Association, to save ecclesiastical records, including court records, in private hands, from decay and destruction, and to bring about their centralisation in diocesan registries, in county record offices or in other repositories approved by the Master of the Rolls. The records at Oxford and Gloucester are placed on deposit at the Bodleian and City Libraries respectively. There can

[1] *Rept. of the Royal Commission on Public Records*, (H. of C., Parl. Papers, Cmd. 369), pp. 19, 20.
[2] *ibid.*, p. 8.
[3] see *The Antiquaries' Journal*, vol. vi (1926), p. 243.

be no doubt about the benefit conferred upon students by such deposits, and the practice might with great advantage be extended.[1]

[1] In recent years the records of the archdeaconries of Bedford, St. Albans and Huntingdon, and the three archdeaconries of Essex have been deposited in the county record offices of Bedford, Hertford, and Essex respectively. For the Essex records, see *Bulletin of the Inst. of Hist. Research*, vol. xviii (1940), pp. 88–9. See also *Trans. Essex Archaeol. Soc.*, vol. xxiii, pt. i (1942), pp. 185–6, for a useful list (by F. G. Emmison) of papers which have appeared in previous volumes of these *Transactions*, and in the *Essex Review*, based upon the Essex archdeaconry records.

THE NEW COURSE IN BRITISH FOREIGN POLICY, 1892–1902

By Professor Lillian M. Penson, Ph.D., F.R.Hist.S.

Read 14 March 1942

In one of his characteristic outbursts to the British military attaché at Berlin, the Kaiser complained, 'All my life I have worked for a good understanding with England, but you do not help me'.[1] This is only one of the oft-repeated complaints, made sometimes to the British ambassador and more often to the military attaché, but its frequent repetition, in varying forms, represented a genuine conviction of German good-will and British lack of response. In the history of the ten years which began in 1892 this reproach has a special significance, for one at least of the important results of the developments of British policy in this period was that the era of co-operation between Britain and the members of the Triple Alliance was ended.

Sir Edward Grey, who was under-secretary of state for foreign affairs in 1892–5, put this view clearly in an important speech at a meeting of the committee of imperial defence in 1911, a meeting attended by the dominion delegates of the imperial conference then in session. 'To explain', he said, 'what the present situation is as between ourselves and other Powers of Europe, I think I must go back a little into history, because we cannot understand the present situation without knowing how we came to arrive at it. I must go back rather an alarming way to the time when I first became Under-Secretary at the Foreign Office in 1892. . . . In 1892 the situation then, and for some years previously, had been this: that the two restless Powers in Europe were France and Russia. . . . The solid quiet group . . . was the Triple Alliance of Germany, Austria, and Italy. It had been the policy of Lord Salisbury before 1892, and it was the policy of Mr. Gladstone's Government of 1892, not to join the Triple Alliance or come under definite commitment to it, but generally in diplomacy to side with the Triple Alliance as being the stable Power in Europe, and the one which was securing the peace. . . . Soon after 1892 the situation began slowly to change.'[2] Sir Edward Grey, in this

[1] Lt.-Col. A. Russell to Sir E. Goschen, no. 4, secret, Berlin, 3 March 1911. Gooch and Temperley, *British documents on the origins of the war*, vi, p. 594, no. 442, *encl.*

[2] *Ibid.*, p. 782. Minutes of the meeting of the Committee of Imperial Defence, 26 May 1911.

exposition, did not give the reasons for the change, nor did he attempt to date it. He contented himself with describing some of the difficulties of the years following 1892 with Germany and with France and Russia, and leaped forward to the time when, as he said, 'the late Government, I imagine—I was not of course a member of it—got tired of the situation', and set out on an investigation of what the troubles with France in fact were, and then to resolve them in the Anglo-French agreement of 1904. The subject of the present inquiry is the interval over which Sir Edward Grey in his speech passed so quickly, the interval before the final negotiations began which led to the great liquidation of long-standing difficulties with France. The 'new course' in British foreign policy was primarily a movement away from the triple alliance.

The secret of the movement cannot be found in any one episode. There are, indeed, several possible explanations, no one of which is satisfactory alone. The general trend of Sir Edward Grey's argument, when he looked back on this period after the passage of nearly twenty years, suggested, if it did not state, one main reason—the rivalry of the fleets. Sir Edward Grey's speech, however, was only incidentally a historical narrative, and its form was determined by contemporary conditions. The emphasis on the fleet was natural enough in 1911. Britain and Germany were then in the midst of their long-drawn-out negotiations in search of a naval understanding; only two days before this speech, Sir Edward Grey had circulated to the members of the cabinet committee a memorandum summarising the history of the recent negotiations with Germany.[1] The critical conversations with the German ambassador were taking place at this very time, broken into a few weeks later by the crisis of Agadir. Moreover, the imperial conference, of which this meeting of the committee of imperial defence formed part, was concerned primarily with the decision on the part of the dominions to develop a shipbuilding programme of their own. In 1911, therefore, the fleet was necessarily in the forefront of discussion. This was not so at the beginning of the century. Mr. Woodward gives the year 1906 as the opening of the period when naval rivalry with Germany was an effective force in political relations. 'The first stages of the development of of the German navy,' he said, 'did not cause great anxiety in Great Britain.'[2] Much the same could be said of another subject of discussion, which had great popularity at one time,

[1] *British documents on the origins of the war*, vi, pp. 631–6, no. 468 and *encl.*
[2] E. L. Woodward: *Great Britain and the German navy* (1935), p. 2.

among the wiseacres who pronounced on Anglo-German relations—the Bagdad railway, though here the importance should be dated even later.[1]

There are other possible explanations. One of them—which might well be popular now, for views of the past are all too liable to be dominated by the present—gives pride of place to the problems of the far east. This theory is expounded in full in Mr. Joseph's book on *Foreign diplomacy in China*,[2] and receives some support in Professor Langer's exhaustive survey.[3] The Kaiser, in one of his outbursts, attributed the British antagonism—for that naturally was how the problem presented itself to him—to another reason. 'You don't like us', he said—it was in a conversation with the military attaché in 1895—'because our commerce is beginning to rival yours in many parts of the world. It is inconvenient; but it is your own fault—it is the result of Free Trade.' And then he added, characteristically, 'Perhaps also you don't like us on account of our Politics because they also are "made in Germany".'[4] There was no doubt a measure of truth in this view. Anglo-German rivalry in trade was making itself felt in a formidable degree, as a steady under-current, the force of which it is difficult to measure. Joseph Chamberlain, in his famous 'long-spoon' speech of 13 May 1898, attributed popular hostility to this cause, though he used less picturesque language to express his view. Then there is what is, perhaps, the most popular theory, and one which it is difficult to counter. Britain, it is often held, decided—the date given is generally 1898—on a fundamental change of policy. Briefly, it is described as the 'end of isolation', and the circumstances of the time, particularly in the colonial sphere, determined that the new connection would be, ultimately, with France and Russia. There is much that is tempting in this traditional view; but it is at best only a half-truth, and it leaves unexplained Britain's own contribution to those circumstances of the time that drove her to choose France rather than Germany as the partner in her entente.

British policy during these ten years, dominated first by

[1] There is no study of this subject comparable in thoroughness with Mr. Woodward's book, though the sketch by E. M. Earle in *Turkey, the Great Powers and the Bagdad Railway* (1923) is valuable. The subject is, however, very fully documented both in *Die grosse Politik der Europäischen Kabinette, 1871–1914* (v. vols. xvii, xxv (i), xxvii (ii), xxxi, and xxxvii (i. and ii)), and in Gooch and Temperley, *op. cit.*, particularly vols. ii, vi, and x (ii).

[2] P. Joseph: *Foreign diplomacy in China, 1894–1900* (1928).

[3] W. L. Langer: *The diplomacy of imperialism* (2 vols., 1935), *cp.* p. 167 *sqq.*

[4] F.O. 64/1351. Memorandum by Colonel Swaine, 20 December 1895. cp. the Kaiser's account of the conversation, *Die grosse Politik*, x, pp. 251–5.

Rosebery and then by Salisbury, was confusing to foreign powers. It was, in fact, not one policy but three, and the interaction of these three constituents—for they were co-incident and not successive—was responsible for the final result. The first was a matter of general principle. From time to time general principles were enunciated, which were described as governing relations with other powers. They provide the broad outlines of policy, the authoritative statements of the direction in which statesmen were aiming, and of the principles which they were seeking to maintain. The second policy, or rather, the second constituent in policy, worked in contrast in secret. It may be defined as that element of realism in policy which is always present, but at times decisive—the knowledge that there were some things which in given circumstances might be achieved, and some which could not. It appears in this period, mainly, in three very different guises. In the first place it is seen in the repeated application of the underlying assumption that Britain's effectiveness in foreign affairs—like her security—depended on the use of sea-power. Secondly, it is seen in the conviction that in the last resort there were some things which would be impossible, because of the decisive force of public opinion. And, finally, it showed itself in the belief that for some purposes the essential condition was the maintenance of the concert of Europe. Then there was the third constituent in policy, represented by a series of specific decisions in different questions arising from time to time in widely scattered areas ; and these decisions were in the final sum the most important. To some extent such differing forms and facets of policy are a matter of common form ; but their differentiation was for various reasons particularly important in British policy of this period—not least because, in a world of great European powers whose interests were for the most part clearly defined, British interests were widely distributed in far corners of the world. Some, at least, of the confusion about the period has arisen from the failure on the part of both contemporaries and historians to note the working of these different influences.

Yet, it must be owned that there was another reason for the confusion : British ministers did not always say the same thing. In May 1898 Salisbury and Joseph Chamberlain both made important speeches. Salisbury, on the 4th, in a speech at the Albert Hall, known commonly as the ' dying nations ' speech, referred to ' the jargon about isolation '.[1] It would

[1] cp. *The Times*, 5 May 1898, p. 7. The relevant passage is as follows : ' We know that we shall maintain against all comers that which we possess,

be pleasant and convenient to be able to quote it as a proof that the government of the time, at least, was not thinking of itself as isolated or of a new policy that would bring isolation to an end. But Chamberlain, on the 13th at Birmingham, in a speech which also has a short title—for it was the ' long-spoon speech '—asserted that for fifty years British policy had been one of isolation and urged a policy of alliance with a great military power.[1] England was speaking with two voices, by accident or deliberation, and the only conclusion possible, if we base our views of policy on utterance alone, is a lack of cohesion in the direction of policy itself. The contradiction becomes intelligible on one condition : if we accept the view that British policy in the period is to be found rather in the realm of action than in public utterances or even written statements of policy. If the continental powers, and Germany in particular, thought in the language of alliances, Salisbury, perhaps more than all other British statesmen, thought in terms of practical co-operation. Hence the special importance, in a period of which he was the dominant figure, of taking into our reckoning the specific decisions on questions of detail and the practical considerations of effective action.

If we view the period as a whole, the most important of the general principles on which pronouncements were made, in private or in public, was still the time-honoured refusal to enter binding alliances. The principle was as old as the age of congresses—older indeed than Joseph Chamberlain's fifty years—but it had taken new shape since the transformation of the European system in 1870–1. It was a principle common to both the great English political parties, even at the time when their foreign policies in other respects most widely differed. It had been proclaimed by Salisbury in 1871, and by Granville in 1872.[2] But the significance of the principle

and we know, in spite of the jargon about isolation, that we are amply competent to do so. But that will not secure the peace of the world.

You may roughly divide the nations of the world as the living and the dying.'

[1] *The Times*, 14 May 1898, p. 12. ' Now the first point that I want to impress upon you is this. It is the crux of the situation. Since the Crimean War, nearly 50 years ago, the policy of this country has been a policy of strict isolation. We have had no allies—I am afraid we have had no friends. . . . Now, what does history show us ? It shows us that unless we are allied to some great military power, as we were in the Crimean War, when we had France and Turkey as our allies, we cannot seriously injure Russia, although it may also be true that she cannot seriously injure us. . . . If, on the other hand, we are determined to enforce the policy of the open door . . . then . . . we must not reject the idea of an alliance with those powers whose interests more nearly approximate to our own.'

[2] cp. Temperley and Penson : *Foundations of British foreign policy* (1938), pp. 344, 516–20.

grew as the great European alliances developed. By the time Salisbury started his long administration of 1886–92 the alliances of Germany with Austria-Hungary and of these two powers with Italy dominated the European scene, while already the first tentative moves of Russia and France were taking place, which were to lead ultimately to the alliance of 1894. The statesmen of the great powers of Europe came to assume that good relations between states found their natural expression in an alliance ; Britain alone refused steadfastly to use the common European language of the time, and her refusal was of great importance. It is interesting to compare the reactions of other European governments to the British refusal. It was a source of constant irritation in Berlin, where, at least after the fall of Bismarck,[1] it was never fully accepted. On the other hand, in Vienna, during the long tenure of the ministry of foreign affairs by Kálnoky, it was accepted with understanding.[2] At the end of 1894, when Kálnoky was trying to disperse the clouds of distrust that overhung Anglo-German relations, he gave the German ambassador, Count Eulenburg, a careful exposition of the British attitude.[3] The failure of his efforts is not surprising, if we compare Count Kálnoky's own records of the conversation with that sent home by Eulenburg,[4] but his subsequent attempt to convey the explanation through the Austro-Hungarian ambassador at Berlin seems to have had equally little effect. The British objection to binding alliances remained one of the fundamental obstacles to Anglo-German friendship.

Salisbury's objection to binding alliances was based primarily on a regard for public opinion. This characteristic of his policy—of which evidence can be found as far back as the 'seventies—grew more prominent in his later years. His attitude was not merely the slavish consistency in a principle, for the conditions of the time in this period, in both England

[1] As an example of Bismarck's attitude, cp. Malet's letter to Salisbury of 25 October 1887, Gooch and Temperley, *op. cit.*, viii, p. 14.

[2] cp. for example Kálnoky to Biegeleben, no. 2, secret, Vienna, 25 October 1887, Gooch and Temperley, *op. cit.*, viii, pp. 9–10 ; Kálnoky to Bruck, secret, no. 1, Vienna, 22 June 1891, W.S.A., Pol. A. Rot. 465, secret, xxiv/ii ; also Kálnoky to Deym, no. 3, very confidential, Vienna, 4 December 1894, Deym to Kálnoky, no. 40F, secret, London, 13 December 1894, W.S.A., viii/172, iii.

[3] cp. Kálnoky to Szögyény, very confidential, Vienna, 5 December 1894, and to Deym, nos. 1, 2, very confidential, 4 December 1894, W.S.A., viii/172, iii.

[4] Count Eulenburg's account is given in his despatch to Prince von Hohenlohe, no. 249, very confidential, Vienna, 4 December 1894, *G.P.*, ix, pp. 172–6.

and Germany, were unfavourable to friendship, and a bad augury for what might happen if the contingencies foreseen in an alliance came to pass. The atmosphere of hostility, the result of several causes, was kept constantly to the fore by the colonial question. In this period, indeed, colonial disputes were probably the most influential cause, for their force as a factor in English opinion had grown greatly as the years passed, encouraged by the growing sentiment of imperial pride and solidarity. The year 1894 was particularly rich in incident from this standpoint. First, in March, there was the question of the Niger basin, where France and Germany came to an agreement, based partly on a common opposition to the activities of the Royal Niger Company. We must, wrote the British secretary of state, Lord Kimberley, ' be strictly on the guard against this possible combination [of Germany] with our rivals there and elsewhere in Africa.' [1] This was, indeed, only a ripple on the surface, for Kimberley's tone changed in April. Then, in the summer, the Congo question came as the irruption of an uncontrolled force in the quietened waters of the entente between England and the triple alliance. Rosebery went so far as to threaten a reversal of his European policy.[2] Again, after reflection, he gave way, though this involved a public humiliation, and a few months later Kálnoky confidently assured his German ally that the incident was forgotten as far as England was concerned. (The language used in Eulenburg's despatch of 4 December 1894 shows that it was apparently not forgotten in Germany.[3]) Already, however, when Kálnoky sent this assurance of the British recovery in December, a new question had arisen. Samoa was suggested by Germany as a suitable pledge of English good-will, and on this the British government could not give way, for Samoa was a question on which public feeling was strong in Australia. After Australia came South Africa as a cause of firmness. Germany at this time was beginning her long contemplation of a possible collapse of the Portuguese empire in Africa, and England was obdurate on the question of Delagoa Bay. Feeling on the German side ran so high that once more Austria-Hungary stepped in as a mediator—for to her, if not to Germany, the maintenance of the British entente was an essential object of policy. Kimberley explained that the

[1] Minute by Kimberley, 31 March 1894, F.O. 64/1332. Printed Temperley and Penson, *Foundations of British foreign policy* (1938), p. 488.

[2] cp. Deym to Kálnoky, tels. nos. 29 and 31, secret, 13 and 14 June 1894. W.S.A., viii/172, iii. Cited *Foundations*, pp. 491–2. cp. Eulenburg's report of a conversation with Kálnoky on 15 June, *G.P.*, viii, p. 455.

[3] cp. *G.P.*, ix, pp. 172–6.

South African factor was decisive. The territory south of the Zambesi was so vital to England that she would not even be able 'to recoil from the spectre of war'. 'If England were ever', he is reported to have said, 'to permit Delagoa Bay to pass to other hands, Cape Colony, whose interests would thereby be most seriously damaged, would immediately secede from the mother country and separate from England.' (It is worth noting here that the wording is that reported by Deym, the Austro-Hungarian ambassador.) 'The maintenance of Cape Colony', the report continued, 'was perhaps the most vital interest of Great Britain because by the possession of it communication with India was assured, which otherwise might be cut off any day. Cape Colony was of even greater importance to England than Malta or Gibraltar, and it was just this which the German cabinet would not understand—that the English government are compelled to support the interests of Cape Colony if they do not want to lose it.' [1]

A year later it was in Africa that the final blow came. When, in January 1896, the Kaiser sent his famous telegram to Kruger he created a long-remembered popular ill-feeling, which was still in operation to stiffen Anglo-German suspicions during the South African war. The Kaiser's emphasis on his devotion to his English grandmother, or his far stranger insistence that England and Germany should hold together as 'the two great Protestant nations'—such arguments could have little effect in view of the trend of public opinion which gave substance to Salisbury's caution. Nor was the ill-feeling on one side alone. It was fed here by the belief in ill-feeling in Germany, and there by similar belief in British hostility. In 1901 when Salisbury made his classic exposition of his reasons for opposing an alliance, he asserted that 'A promise of defensive alliance with England would excite bitter murmurs in every rank of German society', and added in words that suggest, perhaps, that Salisbury himself shared in measure the popular feeling, 'if we may trust the indications of German sentiment which we have had an opportunity of witnessing during the last two years'.[2] And the last two years were, of course, the years of the South African war. Five years before this Salisbury had written, 'The French and German *people* both hate us'.[3] Again, earlier still, in November 1894,

[1] Deym to Kálnoky, no. 35B, very confidential, London, 1 November 1894. W.S.A., viii/114.

[2] Salisbury's Memorandum of 29 May 1901, Gooch and Temperley, *op. cit.*, ii, pp. 68–9, no. 86.

[3] Salisbury to E. B. Iwan-Muller, 31 August 1896, *ibid.*, vi, p. 780.

Kálnoky had complained to Eulenburg of the attitude of the German foreign office to Britain. It had continued to be unfavourable, he said, despite Rosebery's surrender on the Congo question; the press was hostile, and German representatives almost everywhere were showing themselves antagonistic. It was unnecessary, for example, he said, for the German press to have adopted an offensive tone on the occasion of the British attempt at intervention in the Sino-Japanese war. In this conversation, too, he gave serious warning of the importance of public opinion in England. 'What I fear', he said, 'far more than the irritated moods of statesmen would be *the impression on public opinion in England*'. There were influential people—even in the cabinet—who were utterly averse to any *rapprochement* with the triple alliance or to anything that would draw England into an active foreign policy, whose ideal would be a pure peace policy and one of good relations with all foreign powers, 'but especially with Russia, France, and America', and who would pursue this policy 'even at the cost of national self-esteem'. He said further that 'if public opinion in England were once to envisage the possibility of good relations with Russia and thence also the prospect of an understanding with France, no Prime Minister could resist such a current which would have all the radical elements behind it.'[1] The words 'no Prime Minister' are significant. There was a feeling in Germany, as the British ambassador there reported, that they had only to wait for the return of Salisbury and a satisfactory solution would be found. But this view—based mainly on the experience of the 'eighties—was an entire misreading of the situation when Salisbury returned to office at the close of the century. On colonial questions public opinion in England was now stronger than the personal predilections of any statesman. Salisbury stood firm at Fashoda against France, maintaining—and publishing as a state paper—the declaration of his Liberal predecessors on the Nile Valley. The whole tenor of his policy makes it unlikely that he would have been less insistent on African questions where Germany was concerned.

But, if public opinion, roused on the colonial question, made an alliance impossible, there was no such objection to an entente. Co-operation between governments was, in Salisbury's view at least, a wholly different matter. Throughout the earlier period of Salisbury's influence the practice of co-operation had been a consistent feature of his policy. It

[1] Kálnoky to Szögyény, no. 2, very confidential, Vienna, 30 November 1894. W.S.A., viii/172, iii.

was essential for the development of Egyptian administration, and it was the only possible alternative to the maintenance of the European concert in connection with Turkey. An entente relationship had many advantages. It worked, for the most part, in secret (perhaps that is the difference between an entente and that curious and sometimes meaningless form, an 'entente cordiale'?); the action that it involved was not military but diplomatic, or at the most extreme it might show itself in a naval demonstration, and it was for military action that the support of public opinion was in the last resort essential. Above all, however, it had the advantage that it was a matter of practice, and not principle. It is true that in 1887 Salisbury had hesitated before agreeing to the entente proposals of Italy and Austria-Hungary, that before he accepted the December agreement of that year he had stipulated for a written expression of Bismarck's support, that he repeatedly refused to renew these engagements—in 1895, 1896, 1897 and 1902—as resolutely as did Rosebery in 1893. But it was the written engagements which made British ministers so dubious. When Salisbury left office in 1892 his letter to Sir Philip Currie urged in effect the maintenance of the policy of the agreements, and, in particular, the continuance of friendship with Italy.[1] Rosebery, as is well known, refused to look at the documents, but made statements which reiterated their policy, and this was in effect the line taken by Salisbury on his return. There was no sudden change of policy. The conclusion of the Franco-Russian alliance made, it is true, a vital change in the European situation, but its effect was not the reversal of British practice. The effect was rather—if we attempt to sum up these years in one generalisation—that for Austria-Hungary and Italy the entente was more essential than before, and that for England the support of Germany, for which Salisbury had stipulated in 1887 was more vital than ever. The British fleet, according to Rosebery, could deal with Russia alone, but if Russia were aided by France 'we should need the help of the Triple Alliance'.[2] It was unfortunate that, in the spring of 1894, the support of Germany was lacking. The government of Caprivi reverted to a policy of re-insurance with Russia. A minute by Kálnoky shows clearly enough the difference in outlook of the two allies. He was commenting on a proposal from Berlin for negotiation with Russia by the triple alliance powers alone. 'We', he said, 'could not consent to be drawn into discussions with

[1] Lady Gwendolen Cecil, *Life of Salisbury*, iv (1932), pp. 404–5. The letter is dated 18 August 1892.

[2] *vide Foundations*, p. 482.

Russia without bringing in England.'[1] The correspondence of this time between Germany and Austria-Hungary makes clear the diplomatic atmosphere in which British policy began its movement, not away from isolation, but away from the practice of co-operation with the Central Powers.

The movement was not complete until the end of our period. As late as 1901, when Salisbury and Lansdowne were discussing the question of a German alliance, Lansdowne suggested, as an alternative to the abandonment of the negotiations, a limited agreement on the model of the Mediterranean agreement with Italy in the spring of 1887.[2] The discussion is illuminating. Lansdowne's proposal was, in his own words, for a 'declaration of common policy and of a desire to maintain close diplomatic relations'. He himself does not seem to have had much hope of the acceptance of such proposals, and Salisbury thought there was little advantage in them. Both were probably right. The regions in which Lansdowne looked for co-operation—on the model of 1887—were the shores of the Mediterranean, the Adriatic, Aegean and Black Seas. Here he suggested that both parties might assert their desire to maintain the *status quo*. There were even greater obstacles to such an arrangement than either of the British ministers knew. The undertaking, as we now know, would have run counter to Germany's obligations to Italy under the triple alliance, and, perhaps most fatal of all, it carried with it no countervailing advantage of colonial concessions. In 1901, in contrast to 1887, or even perhaps 1894, the colonial question was more important than the Near East. The attempts to reach an understanding on overseas issues—the Portuguese colonies in 1898, Samoa in 1899, and the far east in 1900—had failed to achieve their object; the promise of common action in the near east was no compensation. Constantinople was an issue of burning urgency in the 'eighties; in 1901 urgency had turned elsewhere, to Africa where the Boer war was not yet ended, and to the far east where the coming conflict between Japan and Russia was already casting its shadow.

The change, in this respect as in others, had been gradual. Rumours were rife in Europe that Rosebery, and after him Salisbury was carrying out a revolution in the British attitude to Russia and Turkey. The negotiations with Russia of the Rosebery period, which led to the Treaty of the Pamirs of

[1] Minute by Kálnoky on despatch from Szögyény to Kálnoky, no. 17A, secret, Berlin, 31 March 1894. W.S.A., viii/172, iii.

[2] *vide* Gooch and Temperley, *op. cit.*, ii, p. 79, No. 93.

11 March 1895,[1] were given a false importance by the assumption that the *pourparlers* dealt also with European questions. In fact, the treaty was one of the same local order as the Zanzibar-Heligoland treaty with Germany of 1890 which had led to similar rumours, or the Anglo-French treaty of 1898 concerning the Niger which did not. Rosebery gave repeated assurances to Austria-Hungary that the question of Constantinople and the Straits was not even mentioned in the negotiations.[2] And when, in January 1898, an overture to Russia of a more general character was in fact made, it arose from the situation, not in Turkey, but the far east. Although both regions were mentioned in Salisbury's proposal, it was China that came first. And the occasion of the overture was the German occupation of Kiao-Chao. What had happened as far as Anglo-Russian relations were concerned was that the scene of rivalry and distrust had shifted; it had gone east, with the development of Russian expansion into the vast Siberian hinterland, and the decline in the strength of the Chinese Empire. In Salisbury's overture to Russia in January 1898—as in his 'dying nations' speech in May—the region which gave urgency to his argument was not Turkey but China. The failure of Salisbury's overture to Russia was followed by the negotiation of the so-called 'Yang-tse' agreement with Germany. But this proved only that German co-operation in the far east was no solution of Britain's problems in that area. And in this region there was no Austria-Hungary to mediate. The reaction from these abortive attempts at co-operation was the Anglo-Japanese alliance of 1902.

The character of the change in British policy in the Balkans is still a subject of controversy.[3] Evidence is conflicting and still incomplete. The traditional view, before the archives of the period were available for study, here or elsewhere, fastened on the evidence provided by Salisbury's speech in the House of Lords on 19 January 1897—the speech in which, in referring to the period of the Crimean war, he used the oft-quoted words we 'put all our money upon the wrong horse'.[4]

[1] A.P., 1895, cix [*c.* 7643], pp. 159–62.

[2] cp. Kálnoky to Szögyény, no. 3, secret, Vienna, 30 November 1894. The assurances were reported by Deym in his telegram, no. 72, secret, of 21 November. W.S.A., viii/172, iii. Kimberley gave similar assurances. Deym to Kálnoky, no. 39A, very confidential, London, 30 November 1894. W.S.A., viii/172, iii; cp. also *G.P.*, ix, pp. 165, 167.

[3] cp. W. N. Medlicott, 'Lord Salisbury and Turkey', *History*, October 1927, and H. Preller; *Salisbury und die türkische Frage im Jahre 1895* (1930).

[4] *vide* Hansard: *Parl. Deb.*, 4th ser., xlv, pp. 28–9, 19 January 1897. 'But I am bound to say that if you call upon me to look back and to interpret the present by the past, to lay on this shoulder or on that the responsibility for the difficulties in which we find ourselves now, the parting of the ways was

Among the many documents from various sources which have been published in recent years, there are some that support and others that confute this tradition. Six months before this speech Salisbury wrote in a private letter: 'I do not know that I can sum up the present trend of English policy better than by saying we are engaged in slowly escaping from the dangerous errors of 1846–56.'[1] Palmerston, he said, was 'guided by common sympathies' (and by this he means political sympathies) 'instead of by common interests. He made war with Russia; he insulted Austria; and he ostentatiously made friends with France. In order to baulk and baffle Russia he, and his school, set up as a political faith the independence and integrity of the Ottoman Empire.' The whole tone of the letter supports the view that Salisbury's views on the near east were reasonably represented by his famous metaphor from the turf. Against this, however, and the considerable supporting evidence of the German record of conversations in 1895 with Count Hatzfedt,[2] there is one main body of evidence to be put. Throughout this period documents can be found, some in the British archives and some in those of Austria-Hungary, in which British ministers persistently denied that any change of policy had taken place. When the Kaiser spoke to the British military attaché in terms based upon Count Hatzfeld's reports, the implications were immediately and specifically denied.[3] On the question of the Straits, which to Salisbury as well as to other powers was the 'key to the Eastern Question', both Salisbury and his successors held insistently to what became in the course of time the new wording of the old policy: if the Straits were opened they should be open to all. The first time that the right of Russia was recognised to special privileges in the Straits was not 1895 or 1897 but 1936. British ambassadors could still throughout the period that we are considering 'deny categorically' that British policy in the Straits had changed.

in 1853, when the Emperor Nicholas's proposals were rejected. Many Members of this House will keenly feel the nature of the mistake that was made when I say that we put all our money upon the wrong horse.'

[1] Salisbury to E. B. Iwan-Muller, 31 August 1896. *vide* Gooch and Temperley, *op. cit.*, vi, p. 780.

[2] cp. *G.P.*, x, pp. 9–13, 16–18, where Hatzfeldt reports conversations of 30 July 1895 and early in August; Hatzfeldt's reports from Cowes, *ibid.*, pp. 22–7, and his subsequent reflections, *ibid.*, pp. 28–36, *passim*.

[3] cp. *Foundations*, pp. 494–5. Perhaps the most illuminating comment on Salisbury's views is that of Baron de Courcel in August 1895: 'C'est du reste un homme qui aime à envisager les problèmes de l'avenir et à les discuter.' *vide G.P.*, x, p. 34.

Yet the change had come, even if it was not, properly speaking, one of policy. It was a change of vital importance, for it was based on something more decisive than statement of professed doctrine, on what I described earlier as the element of realism in policy. There were three main ways, I have suggested, in which this ingredient in policy showed itself: public opinion—certainly present on this occasion, for it was outraged in England by the Armenian massacres; the maintenance of the European concert, rendered uncertain now by the fluctuations in the relations of the powers, and especially of German policy, but still essential for effective action on behalf of Turkish Christians or effective development of Egyptian administration; and the use of sea-power. It is the third point that is decisive here. Salisbury had consulted his 'nautical experts', alarmed by reports that Turkey had followed a policy of 'the elaborate fortification of the Dardanelles, and the utter neglect of the Bosphorus'. The balance of opinion, as he said in 1897, among these experts was 'strongly unfavourable to any attempt to force the Dardanelles by the action of the fleet' alone.[1] This was in 1897—the despatch is dated the day following Salisbury's 'backed the wrong horse' speech. His doubts were, however, of earlier origin. There is a minute by him as far back as 1892—just before he left office to give way to the Liberal administration. 'If the opinion of the Directors of naval and military Intelligence held good,' he wrote, 'the protection of Constantinople from Russian conquest must cease to be regarded as a great aim of British policy, for we cannot defend it, and our policy is a policy of false pretences.' In 1892 the idea was clearly still new to him. 'All that England and India can furnish of naval or military strategic knowledge', he added, 'should thoroughly examine the question so that the real facts should be ascertained, and presented in the clearest light to those who are responsible for the policy of the Empire.'[2] Two months later Salisbury was succeeded by the Liberals. The results of the careful examination are not known, but there continued to be regular reports on the fortifications, and memoranda commenting on them were prepared in 1893 and 1896. They give meaning to the reference made by Salisbury in his despatch of January 1897 to this vital practical consideration. Further news of importance reached Salisbury early in 1896. Bulgaria was reconciled to Russia, a reconciliation

[1] *vide* Salisbury to Rumbold, no. 6, very confidential, 20 January 1897, printed in Gooch and Temperley, *op. cit.*, ix (i), pp. 775–6.

[2] Minute of 4 June 1892, quoted in Memorandum by F. Bertie, 19 October 1893. F.O. 78/4592.

typified, as Salisbury noted, by the ' recent conversion of Prince Boris '. The political conversion of Bulgaria was of an importance second only to the strengthening of the defences of the Dardanelles—(Salisbury had never been under any delusion as to the strategic importance of Bulgaria)—it affected decisively the ability of Austria-Hungary to act by land. The ' nautical experts ' thus completed the convincing of Salisbury for they held that the co-operation of land forces would be essential. German help could not be expected—the period of German indecision was developing into that of the policy of increasing German influence at Constantinople. Marschall, in 1897, was sent to Turkey to make that policy his main concern. The Kaiser paid his famous visit to Constantinople in October 1898. The whole political scene in the Balkans had changed, and however strongly Salisbury might feel on the question of the Straits the impossibility of effective action was decisive. In 1902, when the Kaiser was visiting Sandringham, Lansdowne asked him whether he expected trouble in Macedonia in the spring. The Kaiser said that he did not—' neither Germany nor Russia desired it, and Russia was not likely to permit it '.[1] ' Germany nor Russia '—the new era in the diplomatic history of the Near East was starting, and the old policy based on the conditions of an age now passed was no longer applicable.

Britain at the time was in no position to make the necessary adjustment in her policy. The crisis of 1898 over Fashoda was followed closely by the opening of the South African war, and Britain was without a friend in Europe. In 1899 the visit of M. Delcassé to St. Petersburg gave publicity to the strengthening of the Franco-Russian alliance. The diplomatic position was in reality even more dangerous than the English statesmen knew. The Delcassé visit was followed in 1900 by a meeting of the French and Russian chiefs of staff at which a draft convention—on the model of that of 1892—provided that in certain eventualities Russia would support France in the event of a war with England. Delcassé visited St. Petersburg again in the following spring and an exchange of letters with Count Lamsdorf approved the conditional arrangement.[2] The contemporary *rapprochement* between France and Italy completed the cycle of diplomatic change.[3] Both series of

[1] Lansdowne to Buchanan, no. 301, very confidential, Sandringham, 14 November 1902. F.O. 78/5248.

[2] cp. P. Renouvin, ' Les engagements de l'alliance franco-russe. Leur évolution de 1891 à 1914,' *Revue d'Histoire de la Guerre Mondiale*, 1934, pp. 297–310; *Documents diplomatiques francais* (*1871–1914*), 2nd ser., iii, pp. 601–14.

[3] *vide* A. F. Pribram, *The secret treaties of Austria-Hungary* (Harvard University Press, 1921), ii, pp. 231–57.

negotiations were secret, and only the broad outlines of the developments were known, but these were enough to make the outlook dark from the British standpoint. It is small wonder that the British ministers redoubled their probing efforts to find some point at which an entry could be made through the closing lines of European relationships. The Franco-Russian negotiations deepened the danger in the far east and on the Indian frontier; the Franco-Italian *rapprochement* removed one source of the readiness of the central powers to work with England—at the very time when the changing position in the near east destroyed the other.

When Sir Edward Grey, in 1911, looked back over this period his review contained one sentence which is significant from this point of view. He was explaining the dependence of the foreign policy of Britain on the measure of her sea-power, and he referred to the one serious danger—lest Britain should be put into the position of measuring her naval strength against not one other power or group of two powers, but against *five*. This danger, if it was not actually present at the beginning of the new century, was closer then than at any other time in the era of the alliance system. It was in these circumstances that Salisbury and Lansdowne responded favourably to the overture of 1901 from Japan, and agreed in January 1902 to stabilise—as they thought—the situation in the far east by the conclusion of the Anglo-Japanese alliance. The conclusion of this treaty gives the measure of the British alienation from the powers of Europe, and marks the recognition of the failure of the old policy of co-operation without alliances. At the very time when Britain was once more refusing—in her conversations with Germany—to use the *lingua franca* of the continent on this subject, she entered into an alliance treaty with an Asiatic Power.

Behind the Anglo-Japanese treaty there lay a series of actions in the past which made this departure from general principle a natural development. They belong to the third category of the constituents of policy which, in this period at least, was the most important of all. The period with which we are dealing was one of constant change in the European scene. The fall of Bismarck in 1890 was followed by years in which German policy seemed unreliable to England—and for that matter to Germany's ally Austria-Hungary. The attempt of Austria-Hungary under the guidance of Kálnoky to take the lead in the triple alliance—the prospect by which Deym had consoled himself for the dangers of Bismarck's fall—this attempt had failed even before Kálnoky left office in 1895.

And Goluchovski was from this point of view a poor substitute. The formation of the Franco-Russian alliance, and the apparent fluctuations in the relationship of its partners, were again productive of uncertainty in Europe—as were also the variations in the force and direction of Italian designs in Africa. British statesmen were working in a constantly moving scene, and variations in policy in one direction dictated others elsewhere. Yet, in this medley of negotiations, in all the cross-currents of European politics, certain points can be found at which the British decision in one direction or another was of momentous importance. In these decisions, perhaps above all, the force is to be found which dictated the final development of British policy in this period. Policy, as Grey later complained,[1] is often spoken of as if it were a carefully worked-out plan ; as if first the broad lines were sketched, and then all the details made to conform to them. Sometimes, indeed, not often perhaps in Britain, there is a measure of truth in this picture. But in this case the details were generally settled first, decided by a bewildering variety of differing motives, and the plan or policy emerged from them.

These vital decisions belong to many different spheres of interest—it is the diversity of British interests that was the commanding feature of the situation. The decision to increase the fleet in 1894 ; the decision, slowly reached in 1892–6 that by the fleet alone Britain could not defend the Dardanelles ; countless decisions of a minor character in the regions of Africa, in Uganda, in the basin of the Congo, the Nile Valley or on the borders of the Red Sea—decisions made often by men on the spot, with little notice taken of them at home, save perhaps by the African department of the foreign office, or by Salisbury tracing the course of events on his maps. There were two of these regional decisions, however, whose importance far outweighs that of the rest : the decision, announced by Sir Edward Grey on 28 March 1895, that Britain would view as ' an unfriendly act ' the penetration of another power to the Nile Valley,[2] and that of the same year when Britain refused to join Russia, France and Germany in their joint note to Japan which led to the retrocession of the Liaotung peninsula. The first of these decisions started the series of events which led ultimately to the Anglo-French agreements of 1904. It constituted a public disavowal of the policy often proclaimed, of an early withdrawal from Egypt, and made it certain that Anglo-French rivalry could be settled only by

[1] cp. *Twenty-five years*, i, p. 6.
[2] Hansard : *Parl. Deb.*, 4th ser., xxxii, pp. 405–6.

either war or direct negotiation. It is important to note here the vital part taken in the negotiations of 1903–4 by Lord Cromer. The decision of 1895 with reference to the Liaotung peninsula was also the beginning of a policy. It was based on a profound distrust of the professed disinterestedness of the European powers in the far east, and constituted a new departure in Far Eastern policy from which, as events proved, there was no escape. The Anglo-Russian overture of 1898 and the Anglo-German agreement of 1900 both failed and the Anglo-Japanese alliance was the natural sequel.

It is a legitimate criticism of British policy in this period that it was haphazard and without sufficient general direction. Britain was led into an international position where the objects of her main concern could be obtained only by new combinations with Powers which could not fail to react unfavourably on relations elsewhere. Kálnoky, in 1894, spoke of a party in the English cabinet which wanted a policy of absolute peace and of good relations with all the Powers, and such a policy had it been practicable might well have suited the interests of Britain. In a world dominated by alliances no such plan was feasible. The alternative, when once the basis was gone of the old co-operation with the triple alliance, was worked out piecemeal and with little evidence of a general design. It was, above all, not a clever policy. There is an illuminating private letter from John Hay to Henry Adams, written on 21 November 1900, shortly after the conclusion of the Anglo-German agreement relating to China. He wrote:

> My heart is heavy about John Bull. Do you twig his attitude to Germany? When the Anglo-German pact came out, I took a day or two to find out what it meant. I soon learned from Berlin that it meant a horrible practical joke on England. From London I found what I had suspected, but what astounded me after all to be assured of—THAT THEY DID NOT KNOW![1]

Knowledge in this case came slowly, and the realisation when it came was a serious blow to the system of policy which Britain was trying to establish in the far east. But such slowness was a contribution to the piecemeal method by which the broad lines of policy, still maintained in much the same general directions as before, were being drawn imperceptibly into new courses. The way was being made ready for the new system of policy which characterised the last ten years before the outbreak of war.

[1] Hay to Adams, 21 November 1900. W. R. Thayer, *Life and letters of John Hay* (1915), ii, pp. 248–9. Cited H. B. Morse: *International relations of the Chinese Empire* (1918), iii, p. 328.

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REPORT OF THE COUNCIL. SESSION 1940–41

THE Council of the Royal Historical Society have the honour of presenting the Annual Report to the General Meeting as follows :—

The Council have to make very much the same report about the general activities of the Society as they made last year. The proceedings of the Society have been disturbed, but not seriously interrupted, by the events of the last twelve months ; and the Society continues to receive, in a remarkable degree, the support of Fellows, Associates, and Subscribing Libraries. As in the autumn of 1939, so in the autumn of 1940, it was necessary to suspend the ordinary meetings of the Society, and some alterations were in consequence made in the programme of papers. The meetings were, however, resumed in February, being held on Saturday afternoons ; and an additional meeting was arranged for April. Again no attempt was made to resume the informal evening discussions, nor was the summer party held. The Council continued to meet regularly throughout the session. No further damage has been suffered from enemy action ; and the library has been kept open. The Assistant Secretary, Miss Curran, was due to retire in June, 1941, after many years of service to the Society. She has, however, consented to continue at her post until the opportunity for the appointment of her successor is more favourable than it is at present. The care of the Society's affairs in London throughout the winter of 1940–41 imposed a severe strain, and the Society is greatly indebted to the devotion of the Assistant Secretary to its interests.

The reference in the last annual report of the Society to the uncertain prospects of publication was made in the expectation that in spite of all difficulties of production at least three volumes in addition to *Transactions* would come off the press during the session 1940–41, and that thereafter, if the war were to continue, the flow of printed material

must for various reasons diminish. The Council have the satisfaction of knowing that their hopes for the session now past are being fulfilled. *Transactions*, Fourth Series, Volume XXIII, was issued in January, 1941. The two Camden volumes are those which were promised. The *Correspondence of Charles Arbuthnot* (Camden Third Series, Vol. LXV), edited by A. Aspinall, was issued in November, 1941, and it is hoped that *Ministers' accounts of the earldom of Cornwall, 1296–1297, Vol. I*, edited by Miss Margaret Midgley, will be issued early in 1942. It was found possible to complete the preparation and printing of *Medieval libraries of Great Britain, an index of surviving books*, edited by N. R. Ker, in the series of Guides and Handbooks, due to members for the year 1938–39. There is still a volume in this series due for each of the sessions 1939–40 and 1940–41. The production of *A list and index of parliamentary papers, 1700–1800*, must be postponed for the time being on account of Mr. A. T. Milne's entry into the army. This has also meant a cessation of work on *Writings on British history*. No date can be given for the issue of the fourth volume of the *Writings*. It is now to be expected that the whole programme of publication must move forward more slowly than hitherto, for not only are supplies of paper and binding material impossible to calculate, but the work of scholars who have promised volumes to the Society is being seriously hindered by their war activities and by the inaccessibility of many manuscript collections. The Society must, therefore, like other institutions, be prepared to restrict its output in accordance with the necessities of the times.

The British Council purchased forty-one copies of *British Consular Reports* (Camden Third Series, Vol. LXIII) for presentation to Latin American governments and to learned and other periodicals in Central and South America.

At the Annual General Meeting held on 15 February, 1941, Professor F. M. Stenton, D.Litt., Litt.D., F.B.A., was re-elected President. The Vice-Presidents retiring under

By-Law XVII were Professor C. K. Webster and Professor G. N. Clark. A further vacancy was caused by the death of Professor Eileen E. Power. Miss E. M. Jamison, B. H. Sumner and Professor A. Hamilton Thompson were elected to fill the vacancies. The Members of Council retiring under By-Law XVII were C. T. Clay, Professor Lillian M. Penson, Professor A. Hamilton Thompson and Miss E. M. Jamison. A further vacancy was caused by the nomination of B. H. Sumner as a Vice-President. Miss C. M. Ady, C. W. Crawley, Miss M. Deanesly, Miss Kathleen Major, and H. G. Richardson were elected to fill the vacancies. Messrs. C. Ryland Beeby & Co. were appointed Auditors for the year 1940–41.

The following papers were read during the session 1940–41 :—

"The Origin of Impeachment." By Professor T. F. T. Plucknett. (15 March, 1941.)
"Archbishop Wulfstan, Homilist and Statesman." By Miss D. Whitelock. (5 April, 1941.)
"The Attitude of Whitgift and Bancroft to the Scottish Church." By G. Donaldson. (10 May, 1941.)

The President, Professor F. M. Stenton, delivered an address at the Anniversary Meeting on 15 February, 1941, his subject being "The Historical Bearing of Place-Name Studies: The Danish Settlement of Eastern England." The Alexander Medal was awarded to R. A. L. Smith, M.A., for an essay on "The *Regimen Scaccarii* in English Monasteries." The essay was read on 14 June, 1941. The essay of Miss Alwyn A. Ruddock, Ph.D., entitled "The Relations between Alien Merchants and the Townsfolk of Southampton in the later Middle Ages" was awarded the recognition of *proxime accessit*. The Presidential address and the Alexander Essay, together with the above papers, were printed in *Transactions*, Fourth Series, Volume XXIV.

The Council record, with regret, the deaths of 17 Fellows and 1 Associate. Among these the Council would especially mention the Rev. Father Hippolyte Delehaye, S.J., a Corre-

sponding member from 1935 until his death, and Professor N. Iorga, a Corresponding member from 1930 until his death. Worthington Chauncey Ford and Miss Isobel D. Thornley were killed by enemy action. In addition, 14 Fellows, 2 Associates and 3 libraries have been lost by resignation, and 11 Fellows and 2 Associates by removal from the roll for non-payment of subscriptions. 10 Fellows (including 4 who had been Associates) and 4 Associates have been elected, and 3 libraries have been admitted as subscribing libraries. 4 Fellows have been reinstated. The membership of the Society on 31 October, 1941, was 831 Fellows, including Ordinary, Life, Honorary, and Corresponding Fellows, and 43 Associates. There were 289 subscribing libraries, including 28 in enemy or occupied territory. Of the Fellows 1 was Honorary, 36 were Corresponding, and 166 were Life Fellows. There was a loss of 28 Fellows and 5 Associates. There were 21 Societies, British and foreign, which exchanged their publications with the *Transactions* and *Camden Series* of the Society. Nine of these Societies are in enemy or occupied territory, and no exchange has therefore been possible.

Particulars will be found, in the Appendix to this Report, of the further additions which have been made to the Society's collection of the publications of the record societies and State papers.

The Treasurer reports that the income of the year 1940–41 exceeded the expenditure chargeable against it by £372 11*s.* 10*d.* This surplus has been allocated as to £107 11*s.* 10*d.* to the Publications Reserve Fund and as to £265 to the Publications Account. The sum of £785 was granted for Publications as against £1,150 for the preceding year, but counting together the original grants and the allocations subsequently made out of the surplus, the figures were, for 1939–40, £1,200, and for 1940–41, £1,050.

APPENDIX

(i) *The following publications of record societies have been added to those already in the library :—*

Cumberland and Westmorland Antiquarian Society. *Publications. Record Series,* Vol. VIII.

Dugdale Society. *Occasional Papers,* nos. 1–4.

(ii) *The following Calendars of State Papers have been added to the Society's collection :—*

State Papers, Venetian. Vol. XXII (1629–1632). [Completing set.]

SCOTLAND.

State Papers relating to Scotland and Mary, Queen of Scots (1547–1603). 11 vols. 1898–1936. [Complete set.]

Letters and Papers relating to the Borders of England and Scotland (1560–1603). 2 vols. 1894–5. [Complete set.]

IRELAND.

Calendar of State Papers relating to Ireland. Henry VIII–Elizabeth. Vols. VI–XI (1596–1603). [Wants vols. II–V (1574–1596).]

Calendar of State Papers relating to Ireland. Charles I and Commonwealth (1625–1660). 4 vols. 1900–1904. [Complete set.]

Calendar of State Papers relating to Ireland. Charles II (1660–1670). 4 vols. 1905–1911. [Complete set.]

Patent and Close Rolls in Chancery in Ireland. Henry VIII–Elizabeth, and for the 1st to 8th year of Charles I (1509–1603, 1625–1632). 3 vols. 1861–1864. [Complete set.]

Chartae, Privilegia et Immunitates (1171–1395). 1889.

Annals of Ulster (431–1131 ; 1155–1541). 4 vols. 1888–1901. [Complete set.]

SPAIN.

Letters, Despatches, and State Papers relating to the Negotiations between England and Spain. Vols. V, Part II, VI–XI (1536–1553). 1889–1916. [Wants vols. I–V, Part I (1485–1535).]

PUBLIC RECORD OFFICE. *Lists and Indexes,* Nos. IV, VII, XXI, XXXV. [Wants nos. I–III, VI, IX, XI, XV, XVII, XIX, XXII, XXIII, XXVIII, XXX, XXXII, XXXVI, XXXVII, XL, XLI, XLIII.]

(iii) *Besides the volumes noted above, the library lacks the following record publications issued by Societies and the following series of State Papers :—*

Anglesey Antiquarian Society. *Anglesey Deeds* (1927).
Cumberland and Westmorland Antiquarian Society. *Publications. Record Series,* vol. III.
Guernsey Historical Society. *Note-book of Pierre Le Roy* (1893).
Manx Society. *Publications,* vols. V, XXII, XXIII.
Somerset Record Society. *Publications,* vol. XXVII.

SCOTLAND.

Indexes to Registers of Deeds. 27 vols. 1915–34. [Except vols. VII and XV.]

IRELAND.

Calendar of State Papers relating to Ireland. James I (1603–1625). 5 vols. 1872–80.
Early Statutes of Ireland. 3 vols. 1907–14.
Carte and Carew Papers. 1864.
Calendar of Carew Papers (1515–1624). 6 vols. 1867–73.
Rotulorum Patentium et Clausarum Calendarium. 1828.
Irish Patent Rolls of James I. n.d.
Justiciary Rolls (1295–1307). 2 vols. 1906–14.
Inquisitionum Repertorium. 2 vols. 1826.

ROYAL HISTORICAL SOCIETY.

I.—Income and Expenditure Account for the Year ended October 31, 1941.

Dr. Cr.

Expenditure.		£ s. d.	*Income.*		£ s. d.
To Establishment Expenses :—			By Arrears of Subscriptions Account		68 11 0
Rent—96, Cheyne Walk	£210 10 0		„ Subscriptions of 1941 :—		
Rent—Warehousing of Stock	19 10 0		40 at 21s.	£42 0 0	
Rates	60 13 0		257 at 30s.	385 10 0	
Fire Insurance	18 1 2		585 at 42s.	1,228 18 0	
Repairs	1 15 0				1,656 8 0
Wages	52 0 0		„ Life Subscriptions	79 16 0	
Extra Service and Cleaning	8 5 3		*Less* Proportion required by By-Law IX to be invested (see Balance Sheet)	47 2 0	
Lighting and Heating	17 19 2				32 14 0
National Insurance	1 14 8		„ Proceeds from Sale of Publications		68 16 4
Workmen's Compensation Insurance	0 14 0		„ Dividends on Investments and Tax recovered		277 10 10
War Damage Insurance to December 31, 1941	72 12 6		„ Interest on Deposit Account at Bank		4 6 3
Monthly Meetings—Refreshments	4 15 8		„ The Sir George W. Prothero Bequest :—		
		468 10 5	Dividends and Interest on Investments	551 15 11	
„ Secretarial and Administrative Expenses :—			Income Tax recovered	214 1 0	
Salary	400 0 0		Royalties	13 14 1	
Typing	10 6 1				779 11 9
General Printing and Stationery	71 12 2				
Accountancy and Audit	31 10 0				
Postages	38 14 2				
Telephone—5 quarters	13 18 10				
Travelling Expenses	3 10 0				
Sundries	13 3 9				
		582 15 0			
„ Library :—					
Grant		100 0 0			
„ Other Charges :—					
Alexander Medal	4 1 3				
Friends of National Libraries	1 1 0				
British Records Association	1 0 0				
		6 2 3			
„ Publications :—					
Directors' Honoraria	150 0 0				
Salary of Assistant Officer, less Army Pay	326 12 0				
Premium on Pension Fund for Assistant Officer	27 9 7				
Grant for Publications £785 0 0					
Proceeds from Sales 68 16 4					
	853 16 4				
		1,357 17 11			
		2,515 5 7			
„ Balance, being Excess of Income over Expenditure for the year, transferred :—					
(*a*) to Publications Reserve Fund	107 11 10				
(*b*) to Publications Account	265 0 0				
		372 11 10			
		£2,887 17 5			£2,887 17 5

ROYAL HISTORICAL SOCIETY.

II.—Balance Sheet as at October 31, 1941.

Liabilities.			£ s. d.
Life Subscriptions required to be invested as Capital Account (By-Law IX) :—			
Amount brought forward from last Balance Sheet	£2,031 14 0		
Add Proportion of Life Subscriptions received in 1941 (see Income and Expenditure Account)	47 2 0		
	2,078 16 0		
Less Amount transferred to General Income and Expenditure Account	21 0 0		2,057 16 0
Publications Reserve Fund :—			
Balance from last Account	148 5 0		
Add Transfer from Income and Expenditure Account	107 11 10		255 16 10
Lease Renewal Fund :—			
Balance from last Account			112 0 4
Fund in Aid of Pensions :—			
Balance from last Account			2,706 4 6
Publications Account :—			
Balance of Allocations at October 31, 1941			1,188 17 1
Library Account :—			
Balance from last Account	17 4 4		
Grant for the year	100 0 0		
Receipts from sales of books withdrawn	19 19 9		
	137 4 1		
Less Expenditure during the year	130 0 2		7 3 11

Assets.			£ s. d.
Investments, viz. :—			
£699 9s. 9d. Consols 2½% valued at } £900 India 3½% valued at } in 1920	£814 0 0		
£879 3s. 6d. Conversion Stock 5% at cost	826 3 1		
£4,052 12s. 4d. Conversion Stock 3½% at cost	3,638 11 0		
£465 Local Loans 3% at cost	451 13 11		
£400 Metropolitan Water Board 4½% "D" Stock at cost	470 1 0		
500 National Savings Certificates at cost	400 0 0		
£296 4s. New Zealand 4% Stock, 1943/63, at cost	297 6 10		6,897 15 10
(Market Value at October 31, 1941, £8,274 4s. 5d.)			
Cash at Bank : Current Account	111 14 5		
Deposit Account	753 17 2		
„ in Hand	6 6		865 18 1
Stock of Publications :—			
As at October 31, 1940			600 0 0
Library :—			
As at October 31, 1940			1,000 0 0

SUBSCRIPTIONS RECEIVED IN ADVANCE					15	4 0
THE SIR GEORGE W. PROTHERO BEQUEST :—						
Balance from last Account					22,121	9 6
"WRITINGS ON BRITISH HISTORY":						
PRODUCTION ACCOUNT :—						
Balance from last Account		450	4 1			
Add Donation		5	8 0			
		455	12 1			
Less Expenditure in the year		1	9 2			
					454	2 11
GENERAL INCOME AND EXPENDITURE ACCOUNT :—						
Balance of accumulated income at October 31, 1940		2,880	8 4			
Add Amount transferred from Life Subscriptions Account		21	0 0			
					2,901	8 4
				£31,820	3	5

FURNITURE, ETC. :—						
As at October 31, 1940					300	0 0
SUBSCRIPTIONS IN ARREAR estimated to be received					35	0 0
THE SIR GEORGE W. PROTHERO BEQUEST :—						
Investments—As at October 31, 1940	£22,121	9 6				
Less Cash distribution from R.M. Realisation Co., Ltd.		5 12 6				
	22,115	17 0				
Cash at Bank—Deposit Account		5 12 6				
				22,121	9	6
(Market Value at October 31, 1941, £20,938 18s. 11d.)						
			£31,820	3	5	

We have examined the foregoing Income and Expenditure Account and Balance Sheet with the Books and Vouchers of the Society. We have verified the Securities appearing in the Balance Sheet. We report that the above Balance Sheet is, in our opinion, properly drawn up so as to exhibit a true and correct view of the state of the affairs of the Society, according to the best of our information and the explanations given to us and as shown by the books of the Society.

C. RYLAND BEEBY & CO.,
Chartered Accountants, Auditors.

35 BELMONT CLOSE,
UXBRIDGE.
December 1, 1941.

ROYAL HISTORICAL SOCIETY.

III.—Publications Account for the Year ended October 31, 1941.

Dr. Cr.

To Payments made during the Year :—	£ s. d.	By Balance of Allocations at October 31, 1940, Brought Forward	£ s. d. 817 16 3
Camden Third Series :		„ Allocation for Publications 1940/41 :—	
Vol. LXV (Part cost)	185 15 1	Grant £785 0 0	
Transactions, Vol. XXIII	249 10 10	Proceeds of Sales 68 16 4	
Handbook of Medieval Libraries of Great Britain	284 10 0	(As per Income and Expenditure Account)	
Honorarium to Dr. Hans Goldschmidt	20 0 0		853 16 4
Sundry Postage, Packing and Expenses	7 19 7	„ Transfer from Surplus on Income and Expenditure Account	265 0 0
	747 15 6		
„ Balance of Allocations at October 31, 1941, Carried Forward	1,188 17 1		
	£1,936 12 7		£1,936 12 7

N.B.—There is an estimated liability of £150 due to the Printers, of which £78 is chargeable against the allocations for future years

THE DAVID BERRY TRUST.

Income and Expenditure Account for the year ended October 31, 1941.

DR. CR.

Receipts.	£ s. d.		£ s. d.	*Payments.*	£ s. d.	£ s. d.
To Balance in hand, October 31, 1940, brought forward from last Account, viz. :—				By Printing and Postages		3 10 3
Cash at Bank	£283 14 8			„ Advertising		33 6 0
„ in Hand	3 6 0			„ Purchase of £200 Defence Bonds 3%		200 0 0
	287 0 8			„ Balance in hand, October 31, 1941, carried forward, viz. :—		
„ Dividends on Investments per Charity Commissioners	47 3 0			Cash at Bank	£96 11 5	
„ Interest on Deposit Account	3 0			„ in Hand	19 0	
						97 10 5
	£334 6 8					£334 6 8

We have examined the above account and find it correct.

C. RYLAND BEEBY & Co.,
Chartered Accountants,
Auditors.

35 BELMONT CLOSE,
UXBRIDGE.
December 1, 1941.

ALEXANDER PRIZE

The Alexander Prize was established in 1897 by L. C. Alexander, F.R.Hist.S. It consists of a Silver Medal awarded annually for an essay upon some historical subject. Candidates may select their own subject provided such subject has been previously submitted to and approved by the Literary Directors. The essay must be a genuine work of original research, not hitherto published, and one which has not been awarded any other prize. It must not exceed 6,000 words in length and must be sent in on or before 28 February 1943.

LIST OF ALEXANDER PRIZE ESSAYISTS (1898–1941) [1]

1898. F. Hermia Durham (" The Relations of the Crown to Trade under James I ").

1899. W. F. Lord, B.A. (" The Development of Political Parties in the reign of Queen Anne ").

1901. Laura M. Roberts (" The Peace of Lunéville ").

1902. V. B. Redstone (" The Social Condition of England during the Wars of the Roses ").

1903. Rose Graham (" The Intellectual Influence of English Monasticism between the tenth and twelfth centuries ").

1904. Enid W. G. Routh (" The Balance of Power in the Seventeenth Century ").

1905. W. A. P. Mason, M.A. (" The Beginnings of the Cistercian Order ").

1906. Rachel R. Reid, M.A. (" The Rebellion of the Earls, 1569 ").

1908. Kate Hotblack (" The Peace of Paris, 1763 ").

1909. Nellie Nield, M.A. (" The Social and Economic Condition of the Unfree Classes in England in the Twelfth and Thirteenth Centuries ").

[1] No award was made in 1900, 1907, 1910, 1911, 1913, 1914, 1921. The prize Essays for 1909 and 1919 were not published in the *Transactions*. No Essays were submitted in 1915 and 1916.

1912. H. G. Richardson (" The Parish Clergy of the Fourteenth and Fifteenth Centuries ").
1917. Isobel D. Thornley, B.A. (" The Treason Legislation of 1531–1534 ").
1918. T. Plucknett, B.A. (" The Place of the Council in the Fifteenth Century ").
1919. Edna F. White, M.A. (" The Jurisdiction of the Privy Council under the Tudors ").
1920. J. E. Neale, M.A. (" The Commons Journals of the Tudor Period ").
1922. C. E. Martin (" The English Establishments on the Gold Coast in the Second Half of the Eighteenth Century ").
1923. E. W. Hensman, M.A. (" The Civil War of 1648 in the East Midlands ").
1924. Grace Stretton, B.A. (" Some Aspects of Mediæval Travel ").
1925. F. A. Mace, M.A. (" Devonshire Ports in the Fourteenth and Fifteenth Centuries ").
1926. Marian J. Tooley, M.A. (" The Authorship of the *Defensor Pacis* ").
1927. W. A. Pantin, B.A. (" Chapters of the English Black Monks, 1215–1540 ").
1928. Gladys A. Thornton, B.A., Ph.D. (" A Study in the History of Clare, Suffolk, with special reference to its development as a Borough ").
1929. F. S. Rodkey, A.M., Ph.D. (" Lord Palmerston's Policy for the Re-juvenation of Turkey, 1839–47 ").
1930. A. A. Ettinger, D.Phil. (" The Proposed Anglo-Franco-American Treaty of 1852 to guarantee Cuba to Spain ").
1931. Kathleen A. Walpole, M.A. (" The Humanitarian Movement of the Early Nineteenth Century to Remedy Abuses on Emigrant Vessels to America ").
1932. Dorothy M. Brodie, B.A. (" Edmund Dudley, Minister of Henry VII ").
1933. R. W. Southern, B.A. (" Ranulf Flambard and Early Anglo-Norman Administration ").
1934. S. B. Chrimes, M.A., Ph.D. (" Sir John Fortescue and his Theory of Dominion ").
1935. S. T. Bindoff, M.A. (" The Unreformed Diplomatic Service, 1812–60 ").
1936. Rosamond J. Mitchell, M.A., B.Litt. (" English Students at Padua, 1460–1475 ").
1937. C. H. Philips, B.A. (" The East India Company ' Interest,' and the English Government, 1783–4 ").
1938. H. E. I. Phillips, B.A. (" The Last Years of the Court of Star Chamber, 1630–41 ").

1939. Hilda P. Grieve, B.A. ("The Deprived Married Clergy in Essex, 1553–61").
1940. R. Somerville, M.A. ("The Duchy of Lancaster Council and Court of Duchy Chamber").
1941. R. A. L. Smith, M.A., Ph.D. ("The *Regimen Scaccarii* in English Monasteries").
1942. F. L. Carsten, D.Phil., ("Medieval Democracy in the Brandenburg Towns and its Defeat in the Fifteenth Century").

DAVID BERRY PRIZE

The David Berry Prize was established in 1929 by David Anderson-Berry in memory of his father, the Reverend David Berry. It consists of a Gold Medal and Money Prize awarded every three years for Scottish History. Candidates may select any subject dealing with Scottish History within the reigns of James I to James VI inclusive, provided such subject has been previously submitted to and approved by the Council of the Royal Historical Society. The Essay must be a genuine work of original research not hitherto published, and one which has not been awarded any other prize. There is no limit to the length of the Essay. It must be sent in on or before October 31, 1943.

PRIZE ESSAYIST, 1937 COMPETITION

G. Donaldson, M.A. ("The Polity of the Scottish Reformed Church *c.* 1560–1580, on the Rise of the Presbyterian Movement").

ROYAL HISTORICAL SOCIETY

(INCORPORATED BY ROYAL CHARTER.)

OFFICERS AND COUNCIL—1942-43.

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TRANSACTIONS AND PUBLICATIONS

OF THE

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The annual publications of the Society issued to Fellows and Subscribing Libraries include the *Transactions* supplemented since 1897 by a continuation of the publications of the Camden Society (1838–1897) as the *Camden series*, and since 1937 by a series of *Guides and handbooks*. The Society has also issued from time to time certain miscellaneous publications, has published since 1937 an annual bibliography of *Writings on British history*, and is publishing in conjunction with the American Historical Association a series of *Bibliographies of British history*. Additional copies of the *Transactions*, the *Camden series*, the *Guides and handbooks*, and the " Miscellaneous publications " may be obtained by Fellows and Subscribing Libraries at the prices stated below. The series of annual bibliographies of *Writings on British history* and the *Bibliographies of British history* are not included among the volumes issued to subscribers, but may be obtained by them through the Society, at the special prices stated below, upon application to the Assistant Secretary, Royal Historical Society, 96 Cheyne Walk, S.W.10. Associates, while receiving only the *Transactions* in return for their subscription, are entitled to purchase at a reduction of 25 per cent one copy of other volumes issued to Fellows and Subscribing Libraries and one copy of each of the volumes of the *Writings on British history* and the *Bibliography of British history* at the special price.

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